

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1989

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, FEBRUARY 7, 1989



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HOUSE OF REPRESENTATIVES
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STATE OF ALABAMA
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FIFTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 30, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Vernon Swift, Elizabeth Baptist Church, Tuscaloosa, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sheppard Jones, Scottsboro Junior High School, Scottsboro, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

— 101

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

Yeas 74; Nays 11.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Petelos, Rains, Richardson, Sanderford, Starkey, Turner, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—74

Nays:

Reps. Clay, Davis, Frazier, Holmes, Johnson (RW), McClain, McDowell, Newton (D), Perdue, Rogers and Spratt.

—11

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 282. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this shall not constitute or create a debt of the state or of any county, municipality

or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

H. 283. Relating to Fayette County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Also:

H. 284. Relating to Fayette County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

Also:

H. 400. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

McDOWELL LEE,
Secretary.

H. 79 RE-COMMITTED

No objection being offered, the Speaker re-committed the bill, H. 79, from the Calendar to the Standing Committee on Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and the Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 49. COMMENDING PAUL R. HUBBERT, EXECUTIVE SECRETARY OF THE ALABAMA EDUCATION ASSOCIATION.

Also:

S. J. R. 65. DESIGNATING THE MONTH OF OCTOBER, IN 1989 AND ANNUALLY THEREAFTER, AS "QUALITY MONTH" IN THE STATE OF ALABAMA.

Also:

S. J. R. 70. NAMING A PORTION OF ALABAMA HIGHWAY 24 IN FRANKLIN COUNTY, ALABAMA, IN HONOR OF TAMMY WYNETTE.

Also:

S. J. R. 83. COMMENDING COACH BETTIE PARKER AND THE VIGOR HIGH SCHOOL'S LADY WOLVES FOR WINNING THE STATE 6A BASKETBALL CHAMPIONSHIP.

Also:

S. J. R. 84. COMMENDING COACH CURTIS HORTON AND THE WILLIAMSON HIGH SCHOOL'S LADY LIONS FOR WINNING THE STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

S. J. R. 93. NAMING THE ADULT CENTER AT LURLEEN B. WALLACE STATE JUNIOR COLLEGE IN HONOR OF JOHN M. WEED.

Also:

S. J. R. 96. TO CONTINUE THE JOINT INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

Also:

S. J. R. 97. CONGRATULATING COLBERT COUNTY AS THE FIRST COUNTY IN ALABAMA TO ACHIEVE PALS PROUD COUNTY STATUS.

Also:

S. J. R. 98. INVITING GOVERNOR RAY MABUS OF MISSISSIPPI TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

LEAVE OF ABSENCE

At the request of Rep. Marks, leave of absence was granted for Rep. Dillard.

At the request of Rep. Butler, leave of absence was granted for Rep. Grayson.

At the request of Rep. Petelos, leave of absence was granted for Rep. Seibels.

At the request of Rep. Drake, leave of absence was granted for Rep. Bowling.

BILLS ON SECOND READING

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 230. (With Amendment): To amend Section 36-22-16 of the Code of Alabama 1975, which provides for the minimum compensation of sheriffs, so as to increase the amount.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 441. To promulgate "The Construction Equipment Franchise Act" in order to provide for the regulation of construction equipment manufacturers, distributors, wholesalers, dealers and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 554. (With Amendments): To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to increase the jurisdictional amount of the claims.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 680. To authorize municipalities to adopt a procedure for the issuance of a summons and complaint for violations of certain municipal

ordinances, to provide for dispositions of such violations, and to establish additional penalties for offenders failing to appear in court.

H. 742. To amend section 12-15-1, Code of Alabama 1975, which relates to juvenile proceedings, so as to further define "delinquent act."

S. 79. To provide that a memorandum of lease may be recorded in lieu of the lease itself provided certain information is contained therein. Further to amend Ala. Code § 35-4-6 (1975) so as to provide that recordation of a memorandum of lease has the same effect as recording the lease itself. This act is retroactive and ratifies and confirms any memorandum of lease previously filed which conforms to this act.

S. 87. To amend and revise the notice of appointment of personal representatives and to amend and clarify the nonclaim statute by amending Ala. Code Sections 43-2-60, 43-2-61 and 43-2-350 (1975).

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 202. (With Amendment): To provide for uniform federal lien registration; to provide for the registration of federal tax liens and other liens; to provide for the place of filing; to provide for the duties of the filing officer; to provide for filing, indexing and other fees payable to the filing officer; to provide for severability of the provisions of this act; to provide for the repeal of Section 35-11-40 and Section 35-11-41, Code of Alabama 1975, relating to filing of notices of tax liens of the United States, and for the amendment or repeal of conflicting provisions of law; and to provide for an effective date.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 119. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

S. 18. Relating to municipal courts; to amend Section 12-14-5, Code of Alabama 1975, which section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which section relates to appeals to the circuit court from judgments of municipal courts; and to establish an effective date.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 787. (With Amendments): To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, so as to provide further for such rights.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 819. To amend section 15-3-3, Code of Alabama 1975, which provides for a statute of limitations on certain criminal prosecutions, so as to include a four (4) year statute of limitations for prosecutions made pursuant to violations of Title 36, chapter 25, and punishable under section 36-25-27, Code of Alabama 1975, of the ethics law.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 451. (With Substitute): To exempt the Farm Crisis and Transition Program Commission, its employees and unpaid volunteers, from civil liability for any act done by them in connection with activity in the Farm Crisis Program; to require that any information divulged by a person seeking aid under the Farm Crisis Program, concerning finances or financial status, be deemed confidential and divulging said information by the Farm Crisis Commission, its employees or volunteers, to the public is a Class C misdemeanor.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 407. to amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 257. (With Amendments): To provide immunity from civil liability for persons performing building inspection services for municipalities in the State of Alabama.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 103. (With Amendment): To provide for the revision of the adoption laws to be known as the "1989 Alabama Adoption Act" by providing general provisions, definitions, jurisdiction, venue and procedure; by amending Section 1 of Act No. 88-733, H. 10, First Special Session 1988, so as to provide further for investigation fees charged by the state department of human resources; by amending Section 40-18-15 of the Code of Alabama 1975, relating to income taxes so as to allow individuals a deduction for certain

adoption expenses; by providing punishment for certain violations; by repealing Sections 26-10-1 through 26-10-10 of Code of Alabama 1975, relating to general adoption laws; by repealing Sections 43-4-1 through 43-4-4 of the Code of Alabama 1975, relating to adoption of adults for purposes of inheritance; and to provide for the application to existing adoptions and for an effective date of January 1, 1990.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 148. (With Amendment): To amend sections 34-1-4, 34-1-11, and 34-1-12, Code of Alabama 1975, which relate to the granting of certificates to certified public accountants and the renewal, suspension, and revocation of licenses of certified public accountants, so as to provide further for said certificates and licenses.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed in the Calendar, to-wit:

H. 841. To amend Section 40-12-258 of the Code of Alabama 1975, relating to motor vehicle registration so as to provide that the annual license taxes and registration fees provided for shall be paid on a prorated monthly declining basis as provided under Section 32-6-61, as amended, when a motor vehicle is stored in this state and not used or operated on the highways of this state subsequent to the expiration of the previous Alabama motor vehicle registration.

H. 840. To amend Section 32-6-233.1, Code of Alabama 1975, which prohibits persons not having handicapped decals from parking in places designated for the handicapped, so as to authorize municipalities to increase the fines for violations.

H. 794. Relating to the state Merit System Act and personnel classification tests and employment registers; and to provide that full credit shall be given for experience, knowledge and skill gained as well as time spent in service in the same, similar or a substantially similar position in the unclassified service, as well as time spent and experience, knowledge and skill gained in performing the same or substantially similar work activity in the unclassified service even though the position classification or job title in the unclassified service may not be the same or similar to the one in the classified service.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 846. To amend Section 22-21-5, Code of Alabama 1975, to grant to public bodies organized under the said section the powers of health care authorities organized under Article 11 of Chapter 22 of the Code of Alabama 1975.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered

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15th Day

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same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 135. To amend Section 11-81-21 of the Code of Alabama 1975 to add thereto other securities in which municipal or county funds not presently needed for other purposes may be invested.

S. 214. To amend Section 7-4-104(l)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a "banking day" for purposes of Title 7, Article 4; to provide for severability of the provisions of this Act; and to provide for an effective date.

S. 275. To amend Section 5-17-8, Code of Alabama 1975, so as to grant to the Administrator of the Alabama Credit Union Administration the power to order a credit union to cease and desist from certain activities, to suspend individuals from participating in the affairs of a credit union and to establish procedures to appeal such orders to the Board of the Alabama Credit Union Administration; amends Section 5-17-18, Code of Alabama 1975, so as to prohibit late charges for any credit union loan not calculated on a simple interest basis; and amends the credit union laws so as to prohibit specific acts which would be prohibited if credit unions were subject to the prohibited acts provisions of state banking laws; providing penalties for violation of this act.

H. 854. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and distribution of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended, to provide (in certain cases) for the distribution of less than all such net income if and to the extent specified in the certificate of incorporation of a gas district, and to provide that the inclusion in any such certificate of incorporation of provisions authorizing the distribution of less than all such net income shall operate both prospectively and retrospectively.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 290. (With Amendment): To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, Code of Alabama 1975, and to repeal Sections 27-40-15, 27-40-16, 27-40-17 and 27-40-18 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete all references to and repeal any authorization for designated agents; to provide who is required to sign an agreement; to provide for a maximum service charge; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; and to provide for time limits for the return of unearned premiums.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 829. Establishing the criminal offense of pharmacy robbery as a separate class of robbery under the criminal code of this state and prescribing certain penalties therefor.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 9. (With Amendment): To amend Section 27-13-30, Code of Alabama 1975, Relating to insurance rates and ratings, so as to require the commissioner of insurance to conduct public hearings in not less than ten percent (10%) of the insurance rate increase filings in each 12-month period; and to provide that summaries of such insurance rate filings be published in a minimum of five Alabama daily newspapers.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 11. To permit the Commissioner of Insurance to levy a civil penalty of not more than \$25,000.00 for violations of the Insurance Code following an administrative hearing.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry, and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 72. To amend §2-27-11, Code of Alabama (1975), which provides for issuance of permits to purchase restricted use pesticides; to delete the requirement that said permits list the restricted use pesticides authorized to be purchased by the permit holder.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry, and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 36. (With Amendment): To establish, create, and provide for an annual "Free Fishing Day" for calendar year 1989 and each year thereafter; to designate said day for calendar year 1989; to provide for the designation of said day in each future calendar year; to provide for certain exemptions on said day from certain fishing license requirements under Sections 9-11-53, 9-11-54, 9-11-55, and 9-11-56 of the Code of Alabama 1975, as amended from time to time.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry, and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 70. To provide for graduated penalties for using oversized commercial shrimp trawls in the waters of Alabama of \$1,000.00 to \$1,250.00 upon conviction for the first offense, \$1,250.00 to \$1,500.00 for second offense and \$1,500.00 to \$2,000.00 for the third and subsequent offenses during any two consecutive years. Trawls used during each offense shall be confiscated and upon conviction be forfeited to the department of conservation and natural resources.

S. 68. To amend Section 9-12-116, Code of Alabama 1975, as last amended, relating to the inspection of certain facilities and the evasion of

certain provisions, so as to prohibit the refusal to permit such inspection or the collection of fisheries data, by any employee of the department of conservation and natural resources whose duty it is to conduct such activities.

H. 754. To provide for and require a "commercial party boat license" for certain fishing boats; to provide that persons fishing on said boats may do so and may land certain fish, without a fishing license; to provide for the application for and issuance of said licenses; to prohibit the transfer of, borrowing of, lending of or alteration of, said licenses; to prohibit the back-dating of said licenses; to provide for an annual expiration date for said licenses; to provide penalties for the violation of this act; to provide for the remittance of and use of license revenues; and to provide for an effective date of this act.

S. 388. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 104. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

S. 267. To authorize the governing body of any municipality, or any municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges,

including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges; and to provide that the provisions of this act are cumulative.

H. 760. To amend Section 11-10-2, Code of Alabama 1975, which provides for the amount of temporary loans that county commissions may make in the anticipation of the collection of taxes, so as to provide that such loans shall not be in an amount greater than \$2,500,000 per year for counties having a population of 175,000 inhabitants or more.

H. 339. To amend further Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain firemen from the provisions of such code of ethics.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session has acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 784. To amend Sections 14 and 17 of Act 376, H. 1040 of the 1975 Regular Session (Acts 1975, p. 926) as last amended, relating to the Greene County Racing Commission, so as to increase the tax levied on the track licensee, to alter the distribution of money derived from the "breaks to the dime" and "outs," to remove certain language requiring the consent of the commission and the licensee prior to altering certain contract terms and conditions and certain taxes, and to provide for the distribution of said funds.

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

H. 833. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 845. (With Substitute): Relating to Baldwin County; to amend Act No. 609 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to provide for the support of the public schools of Baldwin County.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 835. Relating to Dale County; abolishing the office of constable; and providing an effective date.

H. 861. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

H. 862. Relating to Marshall County, amending Act No. 87-522, 1987 Regular Session, which provides for a tobacco tax, so as to provide further for the collection of said tax.

H. 866. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city and to provide for a referendum.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and pursuant to House Rule 33, were re-referred to the Standing Committee on Judiciary.

H. 863. Relating to Pickens County; imposing a certain fee on each ton of hazardous or nonhazardous waste or substances disposed of at any commercial disposal site for such waste or substances within the county; providing that the provisions of this act shall not affect such waste or substances collected and disposed of either by the county or by any municipalities within the county; providing for collection of such fee by the operators of any disposal site receiving such waste and substances; providing for disposition of the proceeds from such fees and prescribing penalty for violations of this act.

H. 864. Relating to Pickens County; providing for standards under which the county commission may approve the siting or construction of a solid or hazardous waste treatment facility or disposal site in the county.

Rep. Marietta, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 143. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mathis:

H. 877. To amend Sections 40-25-2, 40-25-4, 40-25-5, and 40-25-23, Code of Alabama 1975, relating to taxation of tobacco products, so as to levy an additional tax on tobacco products, provide further for the stamps evidencing payment of the tax, provide further for the discounts, provide

further for the distribution of said tax and abolish certain local taxes on tobacco products.

Committee on Ways and Means.

By Rep. Payne:

H. 878. Relating to Insurance; to further define unfair methods of competition as provided in Chapter 12, Title 27, Code of Alabama 1975, as amended; to provide that the Commissioner of Insurance shall further regulate the contents of certain life insurance policies filed for approval in accordance with Title 27-36-7, Code of Alabama 1975, as amended; to provide for notice to insureds who purchase life insurance policies requiring supplemental contribution of surplus assets by the insurer to satisfy reserve requirements above that portion provided by the premium charged; to establish an effective date for filings and notices as provided herein, and to provide for penalties for failure to comply with the provisions of this Act.

Committee on Insurance.

By Rep. Butler:

H. 879. To amend Section 11-42-100.1, Code of Alabama 1975, which provides for the procedure of consolidating contiguous municipalities, so as to alter the number of voters signing the petition calling for a referendum on the question of consolidation.

Committee on Local Government.

By Rep. Harper:

H. 880. To amend Section 11-59-1, Code of Alabama 1975, relating to Public Athletic Boards, so as to expand the definition of "facility" to include gymnasias and other indoor athletic facilities.

Committee on Ways and Means.

By Rep. Blake:

H. 881. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in St. Clair County.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Reps. Beasley, Mathis, and Carothers:

H. 882. To create additional circuit and district judgeships.

Committee on Ways and Means.

By Rep. Williams:

H. 883. To provide that any active and contributing member of the Teachers' Retirement System with at least 10 years creditable service or any retired member of the Teachers' Retirement System may purchase credit for maternity leave, employment at a Department of Defense or overseas school, employment as a home economics teacher with a rural electric cooperative, employment as an extension service employee and employment as a Head Start teacher; to provide certain limitations with respect to the purchase of

such service; and to provide a method for the calculation of the cost and time period for purchasing credit for such service.

Committee on Ways and Means.

By Rep. Knight:

H. 884. Relating to the state insurance department; to repeal Section 27-7-25, Code of Alabama 1975, so as to delete the requirement for temporary licensing of out-of-state applicants; to amend Sections 27-7-5, 27-7-7, 27-8-21, 27-7-23, 27-7-24, and 27-8-7, Code of Alabama 1975, so as to delete residency requirements for licensees of the department; to provide further for testing fees of the department; to allow the department to contract with testing services; and to restrict certain temporary licenses and to eliminate various other temporary licenses issued by the department after 36 months following passage of this act.

Committee on Insurance.

By Reps. McMillan, Petelos, and Kvalheim:

H. 885. To designate the Alabama Commission on Higher Education as the sole authority in this state with the power and duty of regulating and licensing nonpublic postsecondary educational institutions and courses of instruction; to authorize the commission to establish, prescribe and enforce rules and regulations for licensing and to specify minimum standards required for licensure; and to establish a student tuition recovery fund.

Committee on Education.

By Reps. Blakeney and Black:

H. 886. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection in Choctaw County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Rogers:

H. 887. To create the Alabama Pharmaceutical Assistance Contract for the Elderly Act. To provide for claimant's eligibility qualifications, renewals, revocation, exemptions, and misutilization and abuse of program benefits by the claimant. To provide for provider participation misutilization and abuse by the provider; and to provide for hearings, appeals and penalties.

Committee on Health.

By Rep. Rogers:

H. 888. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Rogers:

H. 889. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions

of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Britnell (With Notice and Proof):

H. 890. To remove certain property from within the municipal limits of Bear Creek in Marion County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 890, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mikell:

H. 891. To amend Section 37-3-4, Code of Alabama 1975, by adding motor carriers who transport property in open top dump vehicles to the exemptions from regulation by the Alabama Public Service Commission contained therein, except for insurance and safety regulation.

Committee on Small Business.

By Rep. Hogan (With Notice and Proof):

H. 892. Relating to Walker County; to provide monies to the Juvenile Court Advisory Committee Fund in order to finance any group homes, detention facility, shelter care facility or Court, Juvenile Court or Municipal Courts of Walker County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 892, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 893. Relating to Randolph County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Randolph County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 893, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Fuller:

H. 894. To provide for the organization of a public corporation in the State to be known as Alabama Public Health Finance Authority; to designate

the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of public health facilities (including interests in land), and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the State and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the State; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire public health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by the act adopted at the 1989 Regular Session of the Legislature of Alabama that was introduced as House Bill _____ at said session, and to authorize the Authority to pledge such funds and other revenues that may be available to it, as may be necessary to pay the principal of (including premium, if any, wherever applicable) and the interest on bonds of the Authority as such principal and interest mature; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the State Treasurer shall be custodian of the funds of the Authority; and to provide for the dissolution of the Authority.

Committee on Ways and Means.

By Reps. Gray, Davis, McClain, Newton (D), McDowell, Beers, Biddle, Spratt, Perdue, Wright, Payne, Hill, Petelos, Curry, White (G), and Rogers (With Notice and Proof):

H. 895. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 895, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Spratt:

H. 896. To authorize the Alabama Medicaid Agency to contract with a central source, for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed five years.

Committee on Health.

By Rep. Fuller:

H. 897. Relating to the Alabama Administrative Procedure Act; to amend § 41-22-2, Code of Alabama 1975, as amended, to eliminate any

exemption of the department of insurance of the state of Alabama from the provisions of the Alabama Administrative Procedure Act.

Committee on Ways and Means.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, House Rule 10 was suspended for the introduction of the bill, H. 888.

Yeas 63; Nays 10.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Carter, Colvin, Cosby, Crow, Curry, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Richardson, Sanderford, Starkey, Turner, Venable, White (G), White (L), Williams, Willis and Zoghby.

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Nays:

Reps. Clay, Davis, Frazier, Holmes, McClain, Perdue, Rogers, Slaughter, Spratt and Thomas.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 56. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of the Jackson County Water Authority by a general or a local act of the Legislature.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 334. To propose an amendment to the Constitution of Alabama of 1901, relating to Pickens County, so as to provide for the imposition of an additional \$10.00 in court costs for each case filed in circuit and district courts in Pickens County with the revenue therefrom to be paid into the county fund to be administered jointly by the sheriff and county commission for salaries, equipment and other expenses; to provide for retroactive effect to April 19, 1982; to provide for the ratification of any fees or costs collected and expended pursuant to Act No. 82-291 of the 1982 regular session and Act No. 83-542 of the 1983 regular session of the Alabama legislature; and to provide that no further enabling legislation shall be necessary for the execution of this amendment.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, House Rule 10 was suspended for the introduction of the bill, H. 889.

Yeas 68; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Carter, Colvin, Cosby, Crow, Curry, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Starkey, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

Nays:

Reps. Clay, Davis, Frazier, McClain, Perdue, Rogers, Slaughter and Thomas.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 72. Relating to the City of Livingston in Sumter County; authorizing the City of Livingston as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the City and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

H. 101. Relating to Jackson County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official permanent records in Jackson County.

Also:

H. 418. Relating to Colbert County; to amend Section 1 of Act No. 79-131, H. 249, 1979 Regular Session (Acts 1979, p. 238), so as to provide further for the compensation of election officials.

Also:

H. 492. Relating to Sumter County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-619 of the 1987 Regular Session and Act No. 88-444 of the 1988 Regular Session.

Also:

H. 493. Relating to Greene County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the county commission for the collection of said taxes; and to repeal Act No. 87-621 of the 1987 Regular Session and Act No. 88-442 of the 1988 Regular Session.

Also:

H. 495. Relating to Colbert County; to authorize the City of Sheffield to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Also:

H. 499. To amend Act No. 86-322 so as to alter the boundaries of Conecuh County Commission District 3 and 5; to provide that all elections for the Conecuh County Commission after the 1988 general election shall be conducted using the amended district arrangement; to provide that, for road construction and maintenance purposes, the amended district arrangement shall take effect immediately; and to repeal all conflicting laws.

Also:

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322) providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 256. CONGRATULATING EDWARD A. BETANCOURT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 257. CONGRATULATING JOANN HENRIKSEN, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 258. CONGRATULATING MITCHELL M. KALIFEH, JR., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 259. CONGRATULATING WILLIAM H. McDERMOTT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 260. CONGRATULATING DOLORES "DEE" McDONALD, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 261. COMMENDING EUGENE NED PRATER FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 262. COMMENDING LAURENS W. JONES FOR OUTSTANDING AND HONORABLE SERVICE TO THE BALDWIN COUNTY BOARD OF EDUCATION AND THE COMMUNITY.

Also:

H. J. R. 263. COMMENDING SABRINA STAGGS OF FLORENCE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 266. CONGRATULATING THE RAGLAND HIGH SCHOOL PURPLE DEVILS ON THEIR OUTSTANDING 1989 BASKETBALL SEASON.

Also:

H. J. R. 267. COMMENDING EUNICE BOLLING BLACKMON FOR DISTINGUISHED SERVICE AS CIRCUIT CLERK, BALDWIN, COUNTY, ALABAMA.

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Also:

H. J. R. 245. CONGRATULATING THE RAGLAND HIGH SCHOOL GIRLS' BASKETBALL TEAM ON THEIR OUTSTANDING SEASON.

Also:

H. J. R. 246. MOURNING THE DEATH OF MATTHEW K. DEICHELMANN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 248. COMMENDING ARNOLD POST FOR OUTSTANDING SERVICE AND CONTRIBUTIONS TO THE DALLAS COUNTY COMMUNITY.

Also:

H. J. R. 249. CONGRATULATING THE DAR HIGH SCHOOL LADY PATRIOTS ON THE STATE CLASS 3A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 250. CONGRATULATING BETTY LOU TIPLER, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 251. CONGRATULATING JOSEPH V. TORRANS, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 252. CONGRATULATING JULIA DREY, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 253. CONGRATULATING ELIZABETH ANDERSON, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 254. CONGRATULATING JOSEPH H. WILSON, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 255. CONGRATULATING ARTHUR R. OUTLAW, MAYOR, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 84. NAMING THE NEW BRIDGE ON HIGHWAY 98, OVER MAGNOLIA RIVER, IN BALDWIN COUNTY, ALABAMA, IN HONOR OF THE LATE ROY SPIVEY OF FOLEY, ALABAMA.

Also:

H. J. R. 264. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 268. COMMENDING PRINCE PREYER, JR., OF MADISON COUNTY, ALABAMA.

Also:

H. J. R. 270. CONGRATULATING ROSALIE ANKERSON, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 271. CONGRATULATING MARIE KENNY, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 272. CONGRATULATING AMALIE ELLIS, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 273. CONGRATULATING MYRIAM WILKINS, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 274. CONGRATULATING MARY BAXLEY, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 275. CONGRATULATING URSULA BARRETT ROMANO, MOBILE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 276. CONGRATULATING VALERIE MCDONOUGH, WHISTLER, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep Hammett:

H. R. 286. COMMENDING VERNON L. ST. JOHN OF OPP, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Black:

H. J. R. 287. MOURNING THE DEATH OF MR. ELI CAMPBELL OF CHOCTAW COUNTY, ALABAMA.

WHEREAS, in sentiment of deep sadness and regret, the Legislature of Alabama records the death of Mr. Eli Campbell of Choctaw, Alabama, on March 15, 1989; and

WHEREAS, Mr. Campbell, who received his college education at Alabama A&M University, Huntsville, Alabama, and Tuskegee University, taught in the public schools of Sumter County for over 32 years and served as principal and teacher of agribusiness at Kinterbish, Cuba, Alabama, and at York Westend in York, Alabama; and

WHEREAS, he also was an active and devoted member of the Shady Grove C.M.E. Church, an active member of several professional education associations, served as president of the Sumter County Education Association and was a supporter and proponent of numerous other civic, charitable and community endeavors; and

WHEREAS, among his notable contributions and achievements, he served as Senior Warden, Grove Lodge #89; Patron, Brookins Chapter #166; High Priest, Edward's Pride #95A; Secretary, Ezell-Towner Commandery #10 and he was a member of Abraham Consistory #257; and

WHEREAS, the death of Mr. Campbell has indeed left a deep void in the life of the community, as it has in the hearts of his family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as deep sorrow is expressed in his death, gratitude is given for the life of Eli Campbell of Choctaw County, Alabama.

BE IT FURTHER RESOLVED, That we extend sincere and deepest sympathy to Mr. Campbell's loving and devoted wife, Mrs. Ruby Larkin Campbell, and five beloved daughters, and one son; and other family members, to whom a copy of this resolution shall be forwarded that they may know of our concern for them in their great grievous loss.

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 287, was adopted.

Also:

By Reps. Turner, Gaston, Zoghby, Kvalheim, Harper, Kennedy, Buskey (JE), and Clark (W):

H. J. R. 288. CONGRATULATING ALABAMA'S 1989 JUNIOR MISS, KIMBERLY MARIE WIMMER OF MOBILE.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Kimberly Marie Wimmer of Mobile County as the 1989 Alabama Junior Miss and our state's representative to the forthcoming America's Junior Miss competition; and

WHEREAS, Miss Wimmer, the eighteen-year-old daughter of Mr. and Mrs. Clint Wimmer, is a student at Baker High School where she is a varsity cheerleader and Senior Class officer; she also is an Azalea Trail Maid, vice president of SADD, listed in Who's Who Among American High School Students, a member of Gayfer's Teen Board, and a member and youth choir member of Dauphin Way Baptist Church; and

WHEREAS, in addition to the State Junior Miss title, Kim was the first place winner in preliminary competition in the categories of physical fitness and poise and appearance; and

WHEREAS, also Miss Ideal Miss of 1986, as well as First Alternate and Miss Photogenic in the Miss Alabama Teen USA Pageant, Kim is a very talented young musician and actress who plans to study music and theater in college and later at New York University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and great pride in her representation of our state as 1989 Alabama Junior Miss, we hereby most highly commend Kimberly Marie Wimmer of Mobile, and do further direct that she receive a copy of this resolution executed in sincere praise and with warm best wishes for every future success and happiness in life.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 288, was adopted.

Also:

By Reps. Turner and McMillan:

H. J. R. 289. ESTABLISHING JOINT INTERIM COMMITTEE ON THE RIGHTS OF NON-TENURED TEACHERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be established a joint interim committee on the rights of non-tenured teachers, to examine the entire body of law, statutory, case and constitutional, affecting the rights of non-tenured teachers, to determine the merits of the allegation that the teacher tenure law is effectively unconstitutional as a result of judicial decisions denying existing rights of non-tenured teachers, to investigate the conduct of the Montgomery County Circuit Court as it relates to proceedings involving non-tenured teachers, and to identify and consider other related issues.

BE IT FURTHER RESOLVED, That the joint committee shall have the authority to subpoena and depose witnesses and otherwise to have the same power to make discovery provided in the Alabama Rules of Civil Procedure.

BE IT FURTHER RESOLVED, that the special committee shall initially consider the issue of whether non-tenured teachers have an existing but unrecognized property interest in their employment and whether the failure of the courts to recognize such right has effectively rendered the Alabama Teacher Tenure Law unconstitutional.

BE IT FURTHER RESOLVED, That the said committee will, as expeditiously as the seriousness of its deliberations will permit, periodically make to the Legislature any recommendations suggested by its findings,

either through prepared bills or resolutions, whereupon it shall stand discharged of any further duties or liabilities or powers.

BE IT FURTHER RESOLVED, That said committee will remain in effect until it either has fulfilled its mandate as herein set forth or until the end of this legislative session, whichever is sooner, whereupon the committee shall be dissolved.

RESOLVED FURTHER, That the Joint Interim Committee on the rights of non-tenured teachers be composed of three members appointed by the Speaker of the House and three members appointed by the Lieutenant Governor. The members shall select the chairman from among the membership and shall set their own rules of procedure for the conduct of their business.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 289, was adopted.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Holmes offered the motion to reconsider the vote by which the resolution, H. J. R. 289, was adopted, and the motion to reconsider was adopted.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Turner offered the motion to suspend the rules and adopt the resolution, H. J. R. 289.

DIVISION OF THE QUESTION

Rep. Buskey (JE) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Turner to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 289, and the motion was lost.

Yeas 27; Nays 27.

Yeas:

Reps. Beasley, Beers, Biddle, Blake, Blakeney, Brooks, Cosby, Crow, Curry, Gaston, Hammett, Harper, Hogan, Knight, Kvalheim, McKee, McMillan, Payne, Petelos, Rains, Starkey, Turner, Walker, White (G), Willis, Wright and Zoghby.

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Nays:

Reps. Black, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Davis, Freeman, Hall, Headley, Higginbotham, Hill, Holley, Holmes, Kennedy, Lindsey, Marks, Mathis, Newton (D), Parker, Perdue, Rogers, Spratt and Thomas.

—27

The resolution, H. J. R. 289, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11.

By Rep. Holmes:

H. R. 290. COMMENDING REP. JAMES CAMPBELL.

Also:

The following resolutions were introduced:

By Rep. Campbell:

H. J. R. 291. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, March 30, 1989, they adjourn to meet again on Tuesday, April 4, 1989.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 291, was adopted.

Also:

By Rep. Campbell:

H. R. 292. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, March 30, 1989, we adjourn to meet again on Tuesday, April 4, 1989, at 1:00 P. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 292, was adopted.

Also:

By Rep. Cosby:

H. J. R. 293. COMMENDING ANGELINE WHEAT OF SELMA, ALABAMA, FOR DEDICATED AND HONORABLE SERVICE TO THE STATE OF ALABAMA.

WHEREAS, Angeline Wheat of Selma, Alabama, has rendered invaluable service to the State of Alabama for more than 17 years, beginning with her first employment as a stenographer with the Farmers Home Administration, following completion of a stenographic course at George Wallace Community College; and

WHEREAS, shortly thereafter, she was employed as a secretary with the Rehabilitation Center in Selma, and then became the first secretary to work for the Crime Lab (Forensic Sciences) where she remained until the lab was disbanded; and

WHEREAS, Mrs. Wheat, following employment for four years with the State Employment Service, also in Selma, joined the Department of Public Safety on December 7, 1983, and her April 1, 1989 retirement marks the close of a truly dedicated tenure in service to the State of Alabama; and

WHEREAS, in addition, however, to the responsibilities of her career, Mrs. Wheat continued her education to receive an Associate degree from George Wallace Community College in Selma; she further became a Certified Professional Secretary in 1980 and, in 1988, was the recipient of the Most Outstanding Alumnus Award from George Wallace Community College and served as guest speaker at that year's graduation ceremonies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Angeline Wheat of Selma, Alabama, for outstanding and dedicated service to the State of Alabama for more than 17 years, and do further direct that she receive a copy of this resolution of highest honor and esteem.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 293, was adopted.

Also:

By Rep. Butler:

H. J. R. 294. COMMENDING JIM AGNEW FOR DISTINGUISHED SERVICE TO THE HUNTSVILLE-MADISON COUNTY COMMUNITY AND DESIGNATING HIM AS "MR. AMBULANCE."

WHEREAS, Jim Agnew of Huntsville, has been engaged in the emergency medical service field for some 45 years, beginning as a sixteen-year-old teenager in part-time employment with an ambulance service in Blount County, Alabama; and

WHEREAS, since graduating from high school in 1947, Mr. Agnew has pursued his career on a full-time basis, with the exception of two years in the military during the Korean Conflict; he formerly worked with a funeral home ambulance service in Mobile and also in Southern California, before moving to Huntsville where he operated his own business from 1960-1973; and

WHEREAS, for the next few years, Jim Agnew continued to work for the company he had sold; he later worked for some five years for Excellence, an ambulance manufacturer, and has been back with HEMS (Huntsville Medical Emergency Services, Inc.) for the past two years; and

WHEREAS, Jim Agnew, during the past four and one-half decades, has seen numerous changes in the emergency medical service field which has evolved from its former transportation function to its present service of providing emergency medical treatment by trained technicians, both on-the-scene and enroute to hospital facilities; and

WHEREAS, through the years, Jim Agnew has been credited with saving the lives of countless accident victims and those suffering from other medical emergencies and he has indeed earned the title of "Mr. Ambulance"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Jim Agnew of Huntsville, Alabama, on his outstanding career in pursuit of excellence in emergency medical services, and for distinguished service to the citizens of Huntsville and Madison County; we further recognize, with gratitude, his outstanding professionalism and in gratitude for same, do hereby name and designate him as "Mr. Ambulance" in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Jim Agnew that he may be aware of our sincere regard and of this honorary designation by the Alabama Legislature.

On motion of Rep. Butler, the rules were suspended and the resolution H. J. R. 294, was adopted.

Also:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 295. CONGRATULATING JOHN P. MACNAMARA, III, PH.D., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, John P. MacNamara, III Ph.D., a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, John P. MacNamara, III, is an active member of Saint Ignatius Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life had been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir John P. MacNamara, III, Ph.D., of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir John P. MacNamara, III, Ph.D., Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 295, was adopted.

Also:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 296. CONGRATULATING JOHN N. HECKER, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, John N. Hecker, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, John N. Hecker, is an active member of Holy Family Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir John N. Hecker of Mobile, Alabama, on the occasion of the Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir John N. Hecker, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 296, was adopted.

Also:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 297. CONGRATULATING J. BRADLEY DONAGHEY, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, J. Bradley Donaghey, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, J. Bradley Donaghey, is an active member of Saint Ignatius Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir J. Bradley Donaghey of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir J. Bradley Donaghey, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 297, was adopted.

Also:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 298. CONGRATULATING ROBERT B. BARNETT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Robert B. Barnett, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Robert B. Barnett, is an active member of Saint Ignatius Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Robert B. Barnett of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Robert B. Barnett, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 298, was adopted.

Also:

By Reps. Zoghby, Kvalheim, Box, and Gaston:

H. J. R. 299. CONGRATULATING GORDON G. SMITH, III, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Gordon G. Smith, III, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Gordon G. Smith, III, a prominent entrepreneur who is an active member of Saint Ignatius Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Gordon M. Smith, III, of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Gordon M. Smith, III, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 299, was adopted.

Also:

By Reps. Zoghby, Kvalheim, Box, Harper, and Gaston:

H. J. R. 300. CONGRATULATING LUIS M. WILLIAMS, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Luis M. Williams, a resident of Mobile, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Luis M. Williams, is an active member of Saint Ignatius Parish, Mobile, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Luis M. Williams of Mobile, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Luis M. Williams, Mobile, Alabama, by the Clerk of the House, so that he may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 300, was adopted.

Also:

By Reps. Gaston, Zoghby, Kvalheim, McMillan, and Turner:

H. J. R. 301. COMMENDING MR. THOMAS S. DAMSON OF MOBILE, ALABAMA.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the selection of Mr. Thomas S. Damson as recipient of the Small Business Administration Special Achievement Award of 1988 by the Mobile Area Chamber of Commerce; and

WHEREAS, a native of Mobile, Mr. Damson is a graduate of University Military School and the University of Alabama where, in 1969, he received his Bachelor of Science Degree in Commerce and Business Administration; he was a member of the United States Army and served as Army Aviator in a Combat-Assault Helicopter Company in Viet Nam; and

WHEREAS, under his leadership as President, Long's Personnel Service was designated 1988 Small Business of the Year by the Mobile Area Chamber of Commerce; and

WHEREAS, in volunteer service to the community, Mr. Damson has served on the Mobile Area Chamber of Commerce, the Rotary Club, the Board of Directors of the Boys and Girls Clubs of Greater Mobile, the Private Industry Council, (former Vice President), the Commerce Executives Society of the University of Alabama and the TMAC—International Management Council; and

WHEREAS, he has authored numerous articles regarding unemployment compensation, hiring practices, management philosophy and retention of employees; he was designated "Man of the Year" by the Mobile Chapter of International Management Council in 1974, recognized in the "Outstanding Young Men of America" awards program in 1977, and designated a "Certified Personnel Consultant" in 1974; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Thomas S. Damson of Mobile, Alabama, for outstanding professional achievement and service to the community and congratulate him on his well-deserved recent honor.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Damson as a mere token of our highest esteem and warmest personal regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 301, was adopted.

Also:

By Reps. Kennedy, Buskey (JE), Clark (W), and Zoghby:

H. J. R. 302. COMMENDING THE WILLIAMSON HIGH SCHOOL GIRLS BASKETBALL TEAM AS OUR 1989 STATE 5A GIRLS CHAMPIONS.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates the Williamson High School Girls' Basketball Team as tops in the State in Class 5A Girls competitions; and

WHEREAS, under the talented leadership and direction of Head Coach Curtis Horton and Assistant Coach Tonya Sullivan, the Lady Lions finished the season with a phenomenal 25-0 overall record, defeating Pell City High School and Coffee County High School in the finals; and

WHEREAS, the girls bringing great honor to their school and the community are starting seniors, Laretta Freeman, Captain, Yolanda Young, Co-captain, Kenita Williams, and Erica Gullett; along with teammates Belinda Blake, Raemona Williams, Petrina Lacey, Sonya Alston, Chiquitta Clemons, Lakisha Sigler and Anita Harris, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Curtis Horton and the Williamson High School Girls' Basketball Team as the 1989 State 5A Girls Champions and do further direct that copies of this resolution be provided for appropriate presentation and display at Williamson High School.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 302, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 303. COMMENDING MR. W. C. BRAGG OF VERNON, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Hogan, Crow, Willis, and Frazier:

H. J. R. 304. COMMENDING THE ALABAMA ASSOCIATION OF RESCUE SQUADS AND THE ASSOCIATION'S MEMBER UNITS.

WHEREAS, the Legislature of Alabama, in grateful commendation, notes the outstanding service rendered by the Alabama Association of Rescue

Squads, and the association's member units, since its establishment in 1963; and

WHEREAS, AARS, Inc., has a membership of 125 rescue squads located throughout the rural areas of our state, with a total of 4000 individuals providing service for some 2 1/2 million residents of Alabama; and

WHEREAS, the association and its member units are operated on an all-volunteer basis; they give freely of their time, as well as financial support, to serve the areas in Alabama that would otherwise be without rescue service in times of grave danger and other emergencies; and

WHEREAS, Alabama's volunteer rescue squads, which provide 38% of the primary ambulance service in Alabama, also provide auto-extrication; conduct recoveries of drowned victims; provide lost or missing persons searches; assist law enforcement agencies upon request; and are involved in other emergency situations including weather watches, floods and clean-ups of chemical spills, among others; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Alabama Association of Rescue Squads, Inc., and its member units, for outstanding volunteerism and service to the citizens of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution of honor be presented to the Alabama Association of Rescue Squads on the occasion of the association's 26th Annual Convention, November 12-18, 1989.

On motion of Rep. Hogan, the rules were suspended and the resolution, H. J. R. 304, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 284. RECOGNIZING WITH COMMENDATION THE NATIONAL ASSOCIATION OF HOSPITAL ADMITTING MANAGERS AND APRIL 3-9, 1989, AS NATIONAL HOSPITAL ADMITTING PERSONNEL WEEK.

Also:

H. J. R. 285. EXPRESSING REGRET AT THE ILLNESS OF DR. PAUL R. HUBBERT AND EXTENDING HIM BEST WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

MCDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Horn:

S. J. R. 99. COMMENDING A. H. PARKER HIGH SCHOOL ON ITS PARTICIPATION IN THE SOUTHEASTERN CONSORTIUM FOR MINORITIES IN ENGINEERING (SECME) PROGRAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Rogers, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 99, the title of which is set out in the above and foregoing Message from the Senate.

S. J. R. 86 ADOPTED

On motion of Rep. Gray, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 86, the title of which is set out in a Message from the Senate received on the thirteenth legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Hilliard:

S. 353. Relating to alcoholic beverages; to authorize a county-wide election or municipal elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within any wet county or wet municipality in this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 353. Tourism, Entertainment and Sports.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bedford (With Notice and Proof):

S. 467. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 467, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hale (With Notice and Proof):

S. 472. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 472, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 467. Local Legislation No. 1.

S. 472. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 453. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 453. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Horn:

S. 459. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$635,881 for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 460. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$635,880 for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 461. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 462. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Local Boards—Financial Assistance Program by \$2,156,937 for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 459. Ways and Means.

S. 460. Ways and Means.

S. 461. Ways and Means.

S. 462. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 457. To reduce the appropriation from the State General Fund to the Bureau of Tourism and Travel by \$126,000 for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 457. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 458. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama State Council on the Arts and Humanities by \$500,000 for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 458. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Horn:

S. 454. To reduce the appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs by \$400,000 for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 456. To reduce the appropriation from the State General Fund to the Highway Department by \$140,000 for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 454. Ways and Means.

S. 456. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 183. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1990,

and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 183, said Senate amendment being as follows:

Amend House Bill 183 on page 1 line 10 and line 17 after the word "Pageant" by inserting the following: "and to the Alabama's Junior Miss Pageant"; Further amend on page 1, line 23 after the period by inserting the following: "There is also hereby appropriated the sum of fifteen thousand dollars (\$15,000) from the State General Fund for the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1990."

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Breedlove, Brooks, Buskey (JE), Campbell, Carothers Clark (W), Colvin, Curry, Davis, Fuller, Gaston, Gray, Grouby, Hamilton, Harper, Harvey, Higginbotham, Hogan, Holley, Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Richardson, Sanderford, Spratt, Thomas, Warren, White (G), White (L), Williams, Willis and Wright.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 230. To make an appropriation from the State General Fund to the Brierfield Ironworks Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 230, said Senate amendment being as follows:

Amend House Bill 230 on Page 1, Line 23, by striking the following language "ten thousand dollars (\$10,000) and inserting in lieu thereof the following language "forty thousand dollars (\$40,000).

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Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hill, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Moon, Newman, Newton (C), Newton (D), Payne, Petelos, Rains, Rogers, Sanderford, Slaughter, Spratt, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 217, said Senate amendment being as follows:

Amend House Bill 217 on Page 1, Line 32, after the period by adding the following language:

"Also for the fiscal year ending September 30, 1990, there is hereby appropriated to the Cerebral Palsy Housing Foundation from the Alabama Special Educational Trust Fund, the sum of fifty thousand dollars (\$50,000.)"

Further amend House Bill 217 on Page 1, Line 28, after the period by adding the following language:

"Said monies to be equitably distributed solely as reimbursement for certified or licensed services to provide early intervention programs to children with cerebral palsy or related motor disabilities."

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Curry, Davis, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan,

Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Petelos, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Covington:

S. J. R. 107. DESIGNATING COUNTY ROAD 41 IN DALE COUNTY AS THE "HAZEN THOMPSON ROAD."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Williams, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 107, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 79. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1990.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 79, said Senate amendment being as follows:

DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1990.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the sum of \$21,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Alabama Special Educational Trust Fund on October 1, 1989 to be

available for appropriation by the Legislature for the fiscal year ending September 30, 1990.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 199, without the Governor's signature and with a suggested Executive Amendment.

Done this 7th day of March, 1989.

Respectfully submitted,
HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 199, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 199:

Please amend on page 1 line 10, by deleting the word "~~sixty two~~" and inserting in lieu thereof the word "eighty" and by deleting the words "~~five hundred.~~" Please further amend this bill on page 1 line 11 by deleting the number "~~(\$462,500)~~" and inserting in lieu thereof the number "(480,000)."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 7th day of March, 1989.

Respectfully,
GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the amendment proposed by His Excellency the Governor, said Executive amendment being set out in the above and foregoing Message from the Governor.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carter,

Clark (W), Colvin, Cosby, Crow, Curry, Davis, Ford, Frazier, Freeman, Gaston, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Kennedy, Knight, Kvalheim, Lindsey, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Spratt, Thomas, Venable, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

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And the bill:

H. 199. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

As amended by the amendment proposed by His Excellency the Governor, was again read at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Butler, Campbell, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Ford, Frazier, Freeman, Gaston, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rains, Sanderford, Slaughter, Spratt, Thomas, Walker, Warren, White, (G), Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 313. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of pharmacy with certain modifications; to amend Sections 34-23-33, 34-23-51, 34-23-90, 34-23-91, 34-23-92, Code of Alabama 1975, so as to repeal section 34-23-5 (exempting pharmacists from jury duty); to provide further for the revocation or suspension of licenses by the board; to eliminate references to "theoretical subjects" in examinations of applicants; to limit board members to two consecutive terms of office; to provide the same per diem and travel to board members as is paid to state employees; to provide for witness fees for persons subpoenaed by the board and authorize the board to institute legal proceedings for disciplinary purposes.

Also:

H. 314. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners with certain modifications; to amend Sections 34-29-63, 34-29-69, 34-29-71, 34-29-75, 34-29-77, and 34-29-94, Code of Alabama 1975, so as to add a veterinary technician member to the board and to restrict terms to two consecutive

terms of four years; to authorize administrative fines by the board (\$250.00-\$1,000.00) and the institution of legal proceedings by the board; to eliminate temporary licensing after an 18-month period; to eliminate a one-time renewal fee on licenses; to exempt "veterinary interns"; and to allow reinstatement of active licenses for veterinarian technicians upon satisfactory proof of continuing education while on inactive status.

Also:

H. 315. To amend Code of Alabama 1975, §§ 34-24-120, 34-24-121, 34-24-122 and 34-24-123 relating to the practice of chiropractic; to amend Code of Alabama 1975, §§ 34-24-140, 34-24-141, 34-24-142, 34-24-143, 34-24-144, and 34-24-145 relating to the Alabama State Board of Chiropractic Examiners; to amend Code of Alabama 1975, §§ 34-24-160, 34-24-161, 34-24-163, 34-24-164 and 34-24-165 relating to licensure of chiropractors; to amend Code of Alabama 1975, §§ 34-24-166, 34-24-167, 34-24-168 and 34-24-170 relating to refusal, revocation or suspension of licenses, notice and conduct of hearings in contested cases, costs; to amend Code of Alabama 1975, § 34-24-172 relating to issuance of licenses after revocation or refusal; to prescribe rules of evidence in contested cases; to prescribe form and content of final orders in contested cases; to prescribe procedure for appeal from final decision in a contested case, and judicial review; to provide for reinstatement of lapsed license to practice chiropractic; and to repeal Code of Alabama 1975, §§ 34-24-162, 34-24-169 and 34-24-171. §34-24-121 is amended to provide further for the advertising by chiropractors.

Also:

H. 317. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to repeal Section 39-20-3, Code of Alabama 1975, so as to remove reference to the healing arts board (now repealed); to amend Sections 34-20-9, 34-20-11, 34-20-12, 34-20-13, 34-20-14, Code of Alabama 1975, so as to increase the examination fee; to provide for an original licensure fee and to increase the fee for a temporary emergency permit; to increase the regular licensure fee; to increase the renewal license fee and to provide further for lapses in active licenses and to remove the requirement to publish lists of licensees by the board, except on request for a fee; to provide for a continuing legal education program by October 1, 1991; and to provide for administrative fines and the institution of legal proceedings by the board.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 400. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of

certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

Also:

H. 284. Relating to Fayette County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

Also:

H. 283. Relating to Fayette County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Also:

H. 282. Relating to Fayette County, authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state

such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

Also:

H. J. R. 284. RECOGNIZING WITH COMMENDATION THE NATIONAL ASSOCIATION OF HOSPITAL ADMITTING MANAGERS AND APRIL 3-9, 1989, AS NATIONAL HOSPITAL ADMITTING PERSONNEL WEEK.

Also:

H. J. R. 285. EXPRESSING REGRET AT THE ILLNESS OF DR. PAUL R. HUBBERT AND EXTENDING HIM BEST WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING
BUDGET ISOLATION RESOLUTION

On motion of Rep. White (F) Budget Isolation Resolution relating to H. B. 768, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Carothers, Carter, Curry, Freeman, Fuller, Gaston, Hall, Harper, Harvey, Haynes, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Parker, Poole, Richardson, Sanderford, Starkey, Warren, White (G), White (L), Williams, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 768. Relating to Escambia County, providing for the establishment and financing of a county law library and repealing Act No. 596, S. 779, 1969 Regular Session, as amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Carothers, Carter, Clay, Colvin, Curry, Davis, Ford, Freeman, Gaston, Gray, Hall, Harper, Harvey, Haynes, Higginbotham, Hill, Johnson (RG), Kennedy, Kvalheim, Layson, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Parker, Poole, Richardson, Rogers, Sanderford, Spratt, Starkey, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Warren Budget Isolation Resolution relating to H. B. 774 was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carter, Clay, Colvin, Cosby, Curry, Ford, Freeman, Gaston, Gray, Hall, Harper, Higginbotham, Hill, Hogan, Kennedy, Knight, Kvalheim, Marks, McKee, Mikell, Moon, Newman, Newton (D), Payne,

Perdue, Petelos, Poole, Rains, Sanderford, Starkey, Thomas, Walker, Warren, White (L), Willis, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 774. Relating to Conecuh County; to amend Section 9 of Act No. 86-322, 1986 Regular Session, so as to remove the requirement that the county roads be maintained and constructed as a unit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Carter, Clay, Colvin, Crow, Curry, Davis, Ford, Frazier, Freeman, Fuller, Gaston, Hall, Hamilton, Harper, Harvey, Hill, Hogan, Kennedy, Knight, Kvalheim, Layson, Marks, McKee, Mikell, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Starkey, Thomas, Walker, Warren, White (G), White (L), Williams, Willis and Wright.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Hall, Budget Isolation Resolution relating to H. B. 655, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clay, Colvin, Cosby, Curry, Davis, Ford, Freeman, Gaston, Hall, Hamilton, Harper, Harvey, Haynes, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Starkey, Walker, White (G), White (L), Williams, Willis and Wright.

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And the bill:

H. 655. Relating to Madison County; to exempt the Optimist Club of Hazel Green, Inc., from all county or local ad valorem taxation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Colvin, Cosby, Crow, Curry, Davis, Ford, Freeman, Gaston, Hall, Hamilton, Harper, Haynes, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 318. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Sections 34-24-192, 34-24-193 and 34-24-216, Code of Alabama 1975, so as to provide lists of five persons be submitted to the governor for prospective members to the board; to allow two consecutive terms of service by any board member and to provide further for nominations for vacancies; to authorize fees set by the board for certifying good standing status of its licensees to other boards; to authorize the board to levy and collect administrative fines and institute legal proceedings in order to discipline its licensees; and to require the board to establish a program of continuing education for its licensees by October 1, 1991, and that such be a requisite for license renewal.

Also:

H. 319. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to amend Sections 34-22-8, 34-22-20, 34-22-21, 34-22-22, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43, Code of Alabama 1975, so as to authorize the board to initiate complaint hearings, to take disciplinary actions, to provide further for the procedure of such hearings, to remove appeals to the Montgomery circuit court and to authorize the board to levy administrative fines and institute legal proceedings; to clarify ambiguous language; to provide further for reciprocity for licensees from out-of-state; to provide further for certification of continuing education requirements; to provide that solicitation by fraudulent or misleading advertising is a ground for disciplinary actions and to authorize private reprimands and probation actions; to require board funds exceeding \$60,000.00 be deposited in state treasury; to limit board members so that no two can be from same U.S. Congressional district; to reimburse board members' per diem and travel the same as is paid by the state; to raise board members' compensation; and to require the board to mail a list of licensees upon request for a fee set by the board.

Also:

H. 320. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners In Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-25, 34-28A-26,

34-28A-27, 34-28A-40 and 34-28A-42, Code of Alabama 1975, so as to require a continuing education program by the board by October 1, 1991, as a condition of license renewal; to allow 30 days' notice of hearings on license suspension or revocation; to delete the fee schedule and allow the board to establish fees for application, examination, reexamination, license issuance and renewal; to provide that the consumer member not be an allied professional, and that neither the consumer, nor his or her spouse be a speech pathologist or audiologist.

McDOWELL LEE,
Secretary.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Hall, the Budget Isolation Resolution relating to the bill, H. 817, was carried over to the sixteenth legislative day.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Hall, the Budget Isolation Resolution relating to the bill, H. 769, was carried over to the sixteenth legislative day.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hall, Budget Isolation Resolution relating to H. B. 770, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Butler, Carothers, Carter, Clay, Colvin, Curry, Ford, Freeman, Gaston, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Walker, White (G), White (L), Williams and Wright.

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And the bill:

H. 770. Relating to Madison County; regulating the use of county-owned vehicles by the county commissioners; requiring certain federal record-keeping and standards; and providing for the mileage requirement.

Was taken up.

SUBSTITUTE OFFERED

Rep. Brooks offered the following substitute to the bill, H. 770:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Madison County; regulating the use of county-owned or leased vehicles by the county commissioners and other county employees;

requiring certain federal record-keeping and standards; and providing for the mileage requirement.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The provisions of this act shall be cited as the Madison County Commission Vehicle Accountability Act.

Section 2. (a) The members of the Madison County Commission and employees of the governing body of Madison County, Alabama, assigned county-owned or leased vehicles for their official duties shall not use such vehicles for any personal purpose whatsoever. For purposes of this act, the term "personal purpose" shall have the same meaning as now or hereafter provided in the United States Internal Revenue Code and regulations promulgated thereunder. All vehicle use outside the boundaries of Madison County, Alabama, is rebuttably presumed to be in violation of this act unless such use received prior approval of the Commission or its designee. For each round-trip accumulating in excess of ten (10) miles outside the boundaries of Madison County, Alabama, the affected commissioner or county employee shall file with the county commission a signed, written statement reflecting the county business conducted on the trip, the mileage incurred, and whether the commissioner or county employee also conducted any personal, campaign, or political party business while on the trip. If personal, campaign, or political party business was conducted while on the trip outside the boundaries of Madison County, Alabama, then the specific nature thereof shall be described on the statement.

(b) Each commissioner and each county employee using any county-owned or leased vehicle shall keep records sufficient to reflect compliance with the personal purpose prohibition of the foregoing paragraph. All records required by this act shall be made available for inspection and copying to any member of the public requesting them.

Section 3. Any commissioner who violates the provisions of this act shall be subject to all the laws and punishment provided by state law.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby specifically repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Clay, Colvin, Curry, Ford, Freeman, Gaston, Hall, Hamilton, Headley, Hill, Hogan, Knight, Kvalheim, Laird, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Richardson, Sanderford, Walker, White (G), White (L), Williams and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 770. Relating to Madison County; regulating the use of county-owned or leased vehicles by the county commissioners and other county employees; requiring certain federal record-keeping and standards; and providing for the mileage requirement.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Clay, Colvin, Cosby, Curry, Ford, Freeman, Gaston, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Marietta, Marks, Mathis, McKee, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Walker, White (G), White (L), Williams, Willis and Wright.

—53

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Hall, the Budget Isolation Resolution relating to the bill, H. 771, was carried over to the sixteenth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 831, was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Carter, Clay, Colvin, Cosby, Curry, Ford, Gaston, Haynes, Hogan, Holley, Johnson (RG), Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, Moon, Newman, Payne, Poole, Richardson, Sanderford, Walker, White (G), White (L), Williams and Willis.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 831. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Tallapoosa County so as to authorize the county

commission to increase certain court costs, to provide for disposition of the increased fees and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Ford, Freeman, Fuller, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Rain, Richardson, Slaughter, Spratt, Starkey, Turnham, Venable, White (G), White (L), Williams, Willis and Zoghby.

—66

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bryant, Budget Isolation Resolution relating to H. B. 852, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Colvin, Cosby, Curry, Hamilton, Harvey, Hill, Holley, Kennedy, Layson, Logan, Marietta, Marks, Mathis, McMillan, Moon, Newman, Parker, Payne, Petelos, Poole, Richardson, Sanderford, Slaughter, Starkey, White (G), White (L), Williams and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for educational purposes and providing for a referendum on such taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clark (W), Colvin, Cosby, Gaston, Gray, Hamilton, Harper, Harvey, Haynes, Hill, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McMillan, Mikell,

Moon, Newman, Parker, Payne, Petelos, Poole, Richardson, Starkey, White (G), White (L), Williams, Willis and Wright.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Biddle, Budget Isolation Resolution relating to H. B. 751, was adopted.

Yeas 38; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Bryant, Carter Clay, Colvin, Cosby Curry, Gaston, Hamilton, Harvey, Hill, Hogan, Holley Kvalheim, Marietta, Marks, Mathis, McMillan, Moon, Newman, Parker, Petelos, Poole, Richardson, Slaughter, Starkey, Venable, White (G), White (L) and Willis.

—38

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 751. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation; to exempt such positions from any merit system and to provide other employment benefits.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Box, Breedlove, Bryant, Bugg, Buskey (JE), Carter, Clay, Colvin, Curry, Gaston, Harvey, Haynes, Hill, Hogan, Holley, Kennedy, Kvalheim, Marietta, Marks, Mathis, McMillan, Newman, Parker, Poole, Richardson, Slaughter, Starkey, Venable, White (G), White (L), Williams and Willis.

—37

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Curry, Budget Isolation Resolution relating to H. B. 767, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Buskey (JE), Clark (W), Clay, Colvin, Cosby, Curry, Gaston, Gray, Hamilton, Harvey, Hill, Hogan, Holley, Kennedy, Kvalheim, Marietta, Marks, McMillan, Moon, Newman, Parker, Payne, Petelos, Poole, Richardson, Sanderford, Slaughter, Starkey, White (G), White (L), Willis and Wright.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 767. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carter, Clark (W), Clay, Colvin, Cosby, Curry, Gaston, Hamilton, Harvey, Haynes, Hill, Holley, Johnson (RG), Knight, Kvalheim, Marietta, Marks, McMillan, Moon, Newman, Newton, (C), Parker, Payne, Poole, Richardson, Sanderford, Slaughter, Starkey, Venable, Walker, White (G), White (L), Williams and Wright.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (G), Budget Isolation Resolution relating to H. B. 822, was adopted.

Yeas 40; Nays 1.

Yeas:

Mr. Speaker, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Carter, Clark (W), Clay, Colvin, Curry, Gaston, Gray, Hamilton, Haynes, Hogan, Holley, Johnson (RG), Kennedy, Kvalheim, Marks, McMillan, Moon, Newman, Parker, Petelos, Poole, Richardson, Sanderford, Slaughter, Starkey, Walker, White (G), White (L), Willis and Wright.

—40

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 822. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Box, Breedlove, Bugg, Buskey (JE), Carter, Clay, Colvin, Cosby, Curry, Gaston, Hamilton, Harvey, Haynes, Hogan, Holley, Johnson (RG), Kennedy, Kvalheim, Marietta, Marks, McMillan, Moon, Newman, Parker, Petelos, Richardson, Slaughter, Starkey, Venable, White (G), White (L), Willis and Wright.

—38

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (G), Budget Isolation Resolution relating to H. B. 824, was adopted.

Yeas 38; Nays 2.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Carter, Clay, Colvin, Cosby, Curry, Gaston, Gray, Hill, Holley, Kennedy, Kvalheim, Marietta, Marks, McMillan, Moon, Newman, Parker, Petelos, Richardson, Sanderford, Slaughter, Starkey, Venable, Walker, White (G), White (L), Willis, and Wright.

—38

Nays: Reps. Hamilton and Payne.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 824. To establish an expense allowance for the following officers of Jefferson County, Alabama: The County Commissioners; and to provide that such expense allowance as fixed by this act shall take effect at the beginning of the term of office of said officers and the beginning of each term of office of said officers thereafter.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 1.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carter, Clark (W), Cosby, Ford, Gaston, Hamilton, Harvey, Hill, Hogan, Holley, Kennedy, Kvalheim, Marietta, Marks, McMillan, Moon, Parker, Petelos, Richardson, Sanderford, Slaughter, Starkey, Walker, White (G), White (L), Willis and Wright.

—37

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Cosby, the Budget Isolation Resolution relating to the bill, H. 264, was temporarily carried over.

H. 273 TAKEN UP

And the bill:

H. 273. To amend sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975,

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relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, increase the monetary thresholds for certificate of need review and to exempt replacement of equipment from review, include inventories for some specialized services in the State Health Plan and to repeal sections 22-21-22-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

With the substitute reported by the Standing Committee on Health on the fourteenth legislative day, was taken up.

And the substitute was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Box, Breedlove, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Escott, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Richardson, Rogers, Slaughter, Spratt, Starkey, Venable, White (G), Willis and Wright.

—66

MOTION TO ADJOURN LOST

The motion offered by Rep. Escott that the House adjourn until 1:00 o'clock p.m., Tuesday, April 4, 1989, was lost.

Yeas 13; Nays 40.

Yeas:

Reps. Box, Bryant, Davis, Escott, Frazier, McClain, Newton (D), Perdue, Petelos, Rogers, Sanderford, Slaughter and Spratt.

—13

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Brooks, Carothers, Cosby, Curry, Gaston, Gray, Grouby, Hamilton, Haynes, Hill, Hogan, Holley, Johnson (RG), Knight, Kvalheim, Lindsey, Marietta, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Richardson, Venable, Warren, White (G), Williams and Willis.

—40

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 328. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and Medical Licensure

Commission with certain modifications; to amend Sections 34-24-77 and 34-24-336, Code of Alabama 1975, so as to correct a conflict in statutes regarding non-refund of fees by the board; and to adopt a program of continuing medical education by October 1, 1991, and to make successful completion of said program a requisite of license renewal after said date.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 322. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Real Estate Agency with certain modifications; to amend Sections 34-27-2, 34-27-7, 34-27-8, 34-27-32, 34-27-34 34-27-36 and 34-27-66, Code of Alabama 1975, so as to define "place of business," provide further for the appointment process of members; provide further for the employment of an executive director; provide for an agency disclosure on real estate sales contracts; register brokers and sales persons to real estate offices; to further define employer-employee relationships; to require certain funds be placed in financial institutions located in Alabama; and to delete residency requirements regarding time-sharing real estate sales.

Also:

H. 325. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry with certain modifications; to repeal Section 34-24-274 to eliminate certain requirements that the probate judge receive and publish lists of licensees of the board, and to amend Sections 20-2-2, 34-24-251, 34-24-252, 34-24-253, 34-24-254, 34-24-255, 34-24-256, 34-24-257 and 34-24-274, Code of Alabama 1975, so as to add the Board of Podiatry as a certifying board under the controlled substances statute; to require a majority of the board members shall constitute a quorum; to authorize administrative fines and the institution of legal proceedings by the board for disciplinary action; to grant the same per diem and travel allowance to board members as is paid to state employees; to authorize the board to set bonds at \$10,000.00; to provide applicants be at least 19 years of age or such age as the board by rule shall determine; and to authorize separate application and examination fees and nonrefundable reexamination fees be established by the board; and to eliminate the requirement that applicants' examination papers be deposited with the archives and history department; and to provide for nonrefundable reexamination fees.

Also:

H. 326. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing with certain modifications; to amend Sections 34-19-5, 34-19-9, 34-21-2, 34-21-23 and 34-21-25, Code of Alabama 1975, so as to allow collection of fees for certification as a nurse midwife; to change the name of the "Practical Nurses' Association of Alabama, Incorporated"; to the "Alabama Federation of Licensed Practical Nurses, Incorporated"; to provide board members the same per diem and travel allowance as state employees; to authorize the board to establish and collect fees for an inactive status license; and require continuing education requirements as a condition of license renewal by October 1, 1991; and to allow

administrative fines and the institution of legal proceedings by the board to discipline its licensees.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 318. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Sections 34-24-192, 34-24-193 and 34-24-216, Code of Alabama 1975, so as to provide lists of five persons be submitted to the governor for prospective members to the board; to allow two consecutive terms of service by any board member and to provide further for nominations for vacancies; to authorize fees set by the board for certifying good standing status of its licensees to other boards; to authorize the board to levy and collect administrative fines and institute legal proceedings in order to discipline its licensees; and to require the board to establish a program of continuing education for its licensees by October 1, 1991, and that such be a requisite for license renewal.

Also:

H. 319. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to amend Sections 34-22-8, 34-22-20, 34-22-21, 34-22-22, 34-22-23, 34-22-24, 34-22-40, 34-22-41, 34-22-43, Code of Alabama 1975, so as to authorize the board to initiate complaint hearings, to take disciplinary actions, to provide further for the procedure of such hearings, to remove appeals to the Montgomery circuit court and to authorize the board to levy administrative fines and institute legal proceedings; to clarify ambiguous language; to provide further for reciprocity for licensees from out-of-state; to provide further for certification of continuing education requirements; to provide that solicitation by fraudulent or misleading advertising is a ground for disciplinary actions and to authorize private reprimands and probation actions; to require board funds exceeding \$60,000.00 be deposited in state treasury; to limit board members so that no two can be from same U.S. Congressional district; to reimburse board members' per diem and travel the same as is paid by the state; to raise board members' compensation; and to require the board to mail a list of licensees upon request for a fee set by the board.

Also:

H. 320. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners In Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-25, 34-28A-26, 34-28A-27, 34-28A-40 and 34-28A-42, Code of Alabama 1975, so as to require a continuing education program by the board by October 1, 1991, as a condition of license renewal; to allow 30 days' notice of hearings on license suspension or revocation; to delete the fee schedule and allow the board to establish fees for application, examination, reexamination, license issuance and renewal; to provide that the consumer member not be an allied professional, and that neither the consumer, nor his or her spouse be a speech pathologist or audiologist.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 313. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of pharmacy with certain modifications; to amend Sections 34-23-33, 34-23-51, 34-23-90, 34-23-91, 34-23-92, Code of Alabama 1975, so as to repeal section 34-23-5 (exempting pharmacists from jury duty); to provide further for the revocation or suspension of licenses by the board; to eliminate references to "theoretical subjects" in examinations of applicants; to limit board members to two consecutive terms of office; to provide the same per diem and travel to board members as is paid to state employees; to provide for witness fees for persons subpoenaed by the board and authorize the board to institute legal proceedings for disciplinary purposes.

Also:

H. 314. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners with certain modifications; to amend Sections 34-29-63, 34-29-69, 34-29-71, 34-29-75, 34-29-77 and 34-29-94, Code of Alabama 1975, so as to add a veterinary technician member to the board and to restrict terms to two consecutive terms of four years; to authorize administrative fines by the board (\$250.00-\$1,000.00) and the institution of legal proceedings by the board; to eliminate temporary licensing after an 18-month period; to eliminate a one-time renewal fee on licenses; to exempt "veterinary interns"; and to allow reinstatement of active licenses for veterinarian technicians upon satisfactory proof of continuing education while on inactive status.

Also:

H. 315. To amend Code of Alabama 1975, §§ 34-24-120, 34-24-121, 34-24-122 and 34-24-123 relating to the practice of chiropractic; to amend Code of Alabama 1975, §§ 34-24-140, 34-24-141, 34-24-142, 34-24-143, 34-24-144 and 34-24-145 relating to the Alabama State Board of Chiropractic Examiners; to amend Code of Alabama 1975, §§ 34-24-160, 34-24-161, 34-24-163, 34-24-164 and 34-24-165 relating to licensure of chiropractors; to amend Code of Alabama 1975, §§ 34-24-166, 34-24-167, 34-24-168 and 34-24-170 relating to refusal, revocation or suspension of licenses, notice and conduct of hearings in contested cases, costs; to amend Code of Alabama 1975, § 34-24-172 relating to issuance of licenses after revocation or refusal;

to prescribe rules of evidence in contested cases; to prescribe form and content of final orders in contested cases; to prescribe procedure for appeal from final decision in a contested case, and judicial review; to provide for reinstatement of lapsed license to practice chiropractic; and to repeal Code of Alabama 1975, §§ 34-24-162, 34-24-169 and 34-24-171. § 34-24-121 is amended to provide further for the advertising by chiropractors.

Also:

H. 317. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to repeal Section 39-20-3, Code of Alabama 1975, so as to remove reference to the healing arts board (now repealed); to amend Sections 34-20-9, 34-20-11, 34-20-12, 34-20-13, 34-20-14, Code of Alabama 1975, so as to increase the examination fee; to provide for an original licensure fee and to increase the fee for a temporary emergency permit; to increase the regular licensure fee; to increase the renewal license fee and to provide further for lapses in active licenses and to remove the requirement to publish lists of licensees by the board, except on request for a fee; to provide for a continuing legal education program by October 1, 1991; and to provide for administrative fines and the institution of legal proceedings by the board.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 79 DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1990.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum

present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 273 RESUMED AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 273 as amended:

Amend Substitute to H. B. 273, page 11, lines 9 through 14, by striking in its entirety Section (d) and inserting in lieu thereof the following:

(e)(d) All fees collected under this article shall be retained in a separate fund for the purpose of enforcing and administering this article, and shall be disbursed as other funds of the state are disbursed.

Further amend Substitute to H. B. 273, page 5, line 23, by striking the word specifically and inserting in lieu thereof the following:

regardless of new annual operating cost, a

Further amend Substitute to H. B. 273, page 5, line 23, after the word "care" by inserting the word agency

Further amend Substitute to H. B. 273, page 2, by deleting line 8 in its entirety and substituting in lieu thereof the following:

and the commissioner of the Alabama medicaid agency shall be ex officio and voting members of the council. The purpose of

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Venable, Warren, White (G), Willis and Wright.

—67

And the bill:

H. 273. To amend sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, increase the monetary thresholds for certificate of need review and to exempt replacement of equipment from review, include inventories for some specialized services in the State Health Plan and to repeal sections 22-21-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (G), Williams, Willis and Wright.

—78

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 638.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 638, was adopted.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Frazier, Gaston, Gray, Grouby, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, Mikell, Moon, Newman, Newton (D), Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Venable, Warren, White (G), Williams, Willis and Wright.

—68

Nay: Rep. McMillan.

—1

And the bill:

H. 638. Relating to city boards of education; to amend section 16-11-3 of the Code of Alabama 1975, so as to provide that a local act may provide for the election of members by popular vote.

Was taken up.

SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the bill, H. 638:

A BILL TO BE ENTITLED AN ACT

Relating to city boards of education; to amend section 16-11-3 of the Code of Alabama 1975, so as to provide that a local act may provide for

the election of members by popular vote and ratifies certain existing local acts.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-11-3 of the Code of Alabama 1975, is hereby amended to read as follows:

“§16-11-3.

“Annually at the regular meetings of the city council or commission in April the said council or commission shall elect a member or members of the board of education to succeed those whose term or terms of office expire that year. The terms of office of members of the city board of education shall be five years, and the term of one member shall expire annually. In the event of a vacancy in the membership of the city board of education by resignation or otherwise, the fact shall be reported to the city council or commission by the said board, and the said council or commission shall elect a person to fill such vacancy for the unexpired term. Provided, however, that upon resolution of the governing body, a local act may provide for the election of members of the city board of education by the electors of the city and/or other areas served by the school board. Such local acts may provide for up to the same number of single-member districts as council districts. Any local acts establishing elected city boards enacted prior to this amendatory act are hereby ratified.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Frazier, Gaston, Gray, Grouby, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Venable, Warren, White (G), Williams, Willis, Wright and Zoghby.

—77

Nay: Rep. Starkey.

—1

AMENDMENT OFFERED

Rep. Buskey (JL) offered the following amendment to the bill, H. 638 as amended:

To amend H. B. 638 as follows:

On page 1, line 9, after the word “may”, delete the following:

, under a local act,

On page 1, line 20 delete the following:

that a local act may provide

On page 2, line 2 after the "period", delete the word "Provided," and insert the following:

Providing

On page 2, line 3 delete the following:

"however, that a local act may provide"

On page 2, line 6 after the word "board", delete ". Such local acts may provide" and insert the following:

and providing

AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Buskey (JL) to the bill, H. 638, as amended, was tabled.

Yeas 55; Nays 9.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Burke, Butler, Carothers, Carter, Colvin, Cosby, Crow, Curry, Ford, Frazier, Gaston, Gray, Grouby, Hamilton, Harper, Harvey, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Parker, Payne, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Venable, Warren, White (G), Willis and Zoghby.

—55

Nays:

Reps. Black, Bryant, Buskey (JE), Buskey (JL), Clark (W), Davis, Kennedy, McClain and McDowell.

—9

And the bill:

H. 638. Relating to city boards of education; to amend section 16-11-3 of the Code of Alabama 1975, so as to provide that a local act may provide for the election of members by popular vote and ratifies certain existing local acts.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Ford, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper,

Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Warren, White (G), White (L), Willis and Zoghby.

—80

Nay: Rep. Starkey.

—1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 638:

Reps. Blake, Brooks, Bugg, Burke, Carter, Colvin, Cosby, Frazier, Freeman, Hall, Hogan, Hooper, Knight, Lindsey, McClain, McDowell, Mikell, Newman, Rains, Sanderford, Spratt, White (G) and Willis.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 199. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

by a majority of the whole number elected to the Senate, said vote being: Yeas 18, Nays 0.

And said Bill, H. B. 199, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 770. Relating to Madison County; regulating the use of county-owned or leased vehicles by the county commissioners and other county employees; requiring certain federal recordkeeping and standards; and providing for the mileage requirement.

TOMMY CARTER,
Chairman.

And the bill, H. 770 as engrossed, was ordered sent to the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House on the bill, H. 281, Reps. Harper, Campbell and White (G).

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 230. To make an appropriation from the State General Fund to the Brierfield Ironworks Park for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 183. To make an appropriation from the State General Fund to the America's Junior Miss Pageant and to the Alabama's Junior Miss Pageant; for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 322. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Real Estate Agency with certain modifications; to amend Sections 34-27-2, 34-27-7, 34-27-8, 34-27-32, 34-27-34, 34-27-36, and 34-27-66, Code of Alabama 1975, so as to define "place of business," provide further for the appointment process of members; provide further for the employment of an executive director; provide for an agency disclosure on real estate sales contracts; register brokers and sales persons to real estate offices; to further define employer-employee relationships; to require certain funds be placed in financial institutions located in Alabama; and to delete residency requirements regarding time-sharing real estate sales.

Also:

H. 325. relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry with certain modifications; to repeal Section 34-24-274 to eliminate certain requirements that the probate judge receive and publish lists of licensees of the board, and to amend Sections 20-2-2, 34-24-251, 34-24-252, 34-24-253, 34-24-254, 34-24-255, 34-24-256, 34-24-257 and 34-24-274, Code of Alabama 1975, so as to add the Board of Podiatry as a certifying board under the controlled substances statute; to require a majority of the board members shall constitute a quorum; to authorize administrative fines and the institution of legal proceedings by the board for disciplinary action; to grant the same per diem and travel allowance to board members as is paid to state employees; to authorize the board to set bonds at \$10,000.00; to provide applicants be at least 19 years of age or such age as the board by rule shall determine; and to authorize separate application and examination fees and nonrefundable reexamination fees be established by the board; and to eliminate the requirement that applicants' examination papers be deposited with the archives and history department; and to provide for nonrefundable reexamination fees.

Also:

H. 326. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing with certain modifications; to amend Sections 34-19-5, 34-19-9, 34-21-2, 34-21-23, and 34-21-25, Code of Alabama 1975, so as to allow collection of fees for certification as a nurse midwife; to change the name of the "Practical Nurses' Association of Alabama, Incorporated" to the "Alabama Federation of Licensed Practical Nurses, Incorporated"; to provide board members the same per diem and travel allowance as state employees; to authorize the board to establish and collect fees for an inactive status license; and to require continuing education requirements as a condition of license renewal by October 1, 1991; and to allow administrative fines and the institution of legal proceedings by the board to discipline its licensees.

Also:

H. 328. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and Medical Licensure

Commission with certain modifications; to amend Sections 34-24-77 and 34-24-336, Code of Alabama 1975, so as to correct a conflict in statutes regarding non-refund of fees by the board; and to adopt a program of continuing medical education by October 1, 1991, and to make successful completion of said program a requisite of license renewal after said date.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 264 TAKEN UP

And the bill:

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

As amended, and postponed on the eighth legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Cosby offered the following substitute to the bill, H. 264:

A BILL TO BE ENTITLED AN ACT

To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; to provide for the powers and duties of solid waste officers; to provide that failure to comply with the provisions of the article shall constitute a public nuisance; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties

for violation of the provisions of the article so as to further provide for such penalties.

BE ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-27-3, Code of Alabama 1975, is hereby amended to read as follows:

“Section 22-27-3.

“(a) (1) Generally.—The county commission or municipal governing body may, and is hereby authorized to, make available to the general public collection and disposal facilities for solid wastes in a manner acceptable to the department. The county commission or municipal governing body may provide such collection or disposal services by contract with private or other controlling agencies and may include house-to-house service or the placement of regularly serviced and controlled bulk refuse receptacles within reasonable (generally less than eight miles) distance from the farthest affected household and the wastes managed in a manner acceptable to the department.

“(2) Any county commission or municipal governing body providing services to the public under the provisions of this article shall have the power and authority by resolution or ordinance to adopt rules and regulations providing for mandatory public participation in and subscription to such system of services. Such governing body may, in its discretion, submit the question of requiring such mandatory public participation to a vote of the qualified electors of the county or municipality as the case may be. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for the giving notice thereof for two consecutive weeks in a paper of general circulation in the county. Every person, household, business, industry, or property generating solid wastes, garbage or ash as defined in this section shall participate in and subscribe to such system of service unless granted a certificate of exception as provided in subsection (g) of this section. In the event such person, household, business, industry or property owner who has not been granted a certificate of exception refuses to participate in and subscribe to such system of service, the county commission or municipal governing body may in addition to any other remedy provided in this article bring an appropriate civil action in circuit court to compel such participation and subscription. Except as provided in subsection (g) of this section any person, firm or corporation violating such rules and regulations shall be in violation of the provisions of this article and shall be punished as provided in Section 22-27-7.

“(3) No county commission shall provide solid waste collection and disposal services within the corporate limits of a municipality without the express consent of the municipal governing body of such municipality nor shall any municipality provide solid waste collection and disposal services outside its corporate limits without the express consent of the county commission of the county in which it is situated.

“(4) Any country providing door-to-door solid waste collection shall not reduce such service unless and until a public hearing has been held with regard to reducing such service at least sixty days prior to the reduction of such service.

“(b) Solid waste officer.—As used in this article, Solid Waste Officer shall mean any county official or county employee designated by the county commission to exercise the authority and perform the duties delegated by

this article to such official and such officer shall have the same powers of enforcement against persons violating the provisions of this article as do license inspectors with regard to persons violating revenue laws as provided under Section 40-12-10 (i), (j), (k) and (n).

“(c) Fly ash etc.—As used in this article the terms “solid wastes”, “garbage” and “ash” do not include fly ash waste, bottom ash waste, boiler slag waste or flue gas emission control waste which result from the combustion of coal or other fossil fuels at electric generating plants, nor shall such terms include any drilling discharges from oil or natural gas operations.

“(bd) Garbage disposal.—Garbage and rubbish containing garbage shall be disposed of by sanitary landfill, approved incineration, composting or by other means now available or which may later become available as approved by the department. The method chosen and used shall also meet the requirements of the health department for sanitation and the protection of public health.

“(ee) Burning.—No garbage or rubbish containing garbage or other putrescible materials or hazardous wastes shall be burned except in approved incinerators meeting the necessary temperature requirements and air pollution controls as now established or as may later be established. The open burning of rubbish shall be permitted only under sharply controlled circumstances where sanitary landfill or landfill is not feasible and not in proximity to sanitary landfill or landfill operations where spread of fire to these operations may be a hazard in the opinion of the department.

“(df) Haulage.—Trucks or other vehicles engaged in the business of hauling garbage and rubbish shall be so covered, secured or sealed that there will be no loss during haulage to cause littering of streets and highways, or cause a nuisance or hazard to the public health.

“(eg) Exception.—A person, household, business, industry or any property owner may store, haul and dispose of his own solid wastes on his land or otherwise, provided such storage, haulage or disposal is accomplished pursuant to a certificate of exception as provided in this subsection. In order to obtain a certificate of exception, an application, an application fee, and plan must be filed with the county health officer or his designee in the case of household solid waste or with the department in the case of solid waste from business or industry, setting out the proposed method of storing, hauling and disposing of solid waste so as to comply with rules and regulations adopted by the state or county boards of health or the department as appropriate and not create a public nuisance or hazard to the public health. The certification of exception application fee shall be established by the state board of health or the department, as the case may be, except that with regard to an individual household such fee shall be \$10.00. The proceeds from such application fees are hereby appropriated to the state board of health or the department, as the case may be, to be used for the administration of the provisions of this article. The county health officer or his designee or the department as appropriate shall investigate such application and plan and issue a certificate of exception within the time set by the state board of health or the department, as the case may be (not to exceed sixty days in the case of an individual household), if such proposal will, in such officer's or designee's or the department's judgement, comply with such rules and regulations and adequately prevent a public nuisance or hazard to public health. A certificate of exception granted under authority of this section shall be valid for the period established by the department, except that in the case of an individual household such period shall not exceed one year.

The county health officer or his designee or the department shall notify the county commission or municipal governing body in writing of the intention to grant a certificate of exception and no such certificate of exception shall be granted for an individual household without prior written approval of the county commission or municipal governing body as the case may be."

Section 2. Section 22-27-6, Code of Alabama 1975, is hereby amended to read as follows:

"Section 22-27-6. Time for compliance with article.

The accomplishment of solid waste management practices, within the meaning of this article, shall be within a period of not more than two years following September 12, 1969, or such lesser time as may be determined to be in the public interest by the health department. Where the affected governing bodies can demonstrate to the satisfaction of the health department that compliance to the two year limitations is economically infeasible, the controlling agency may petition for a yearly extension, but this shall not preclude the possibility of nuisance or public hazard civil actions brought on by individuals or other entities.

"(a) The county commission may by resolution or ordinance provide for the orderly collection of fees charges under the provisions of this article. Such commission may establish periodic payment systems and are authorized to purchase necessary supplies and materials and employ personnel necessary to effectuate any such periodic payment system. Such periodic payment system may be effected by the county through negotiation with any one or more public or private utilities providing service in the county for the periodic billing of such fees and the collection thereof on behalf of the county by one or more such utilities. Any delinquency in any such payment shall constitute a violation of this article and entitle the county to pursue any remedy provided in this article. The county may agree to pay reasonable compensation to any such utility for its services in connection with the collection and payment to the county of all such sums so collected. The county commission shall adopt such rules and regulations as it deems necessary to implement the provisions of this article.

"(b) Whenever the solid waste officer shall find that any person, household, business, industry or any property owner has failed to subscribe to the county solid waste collection program and pay the required solid waste collection and disposal fees or has failed to obtain a certificate of exception in violation of this article such failure shall constitute a public nuisance. The solid waste officer shall thereupon cite such delinquent to appear before the solid waste officer within ten (10) days at the courthouse of the county in which the citation is issued and to show cause why subscription has not been made, such fees have not been paid or an exemption has not been obtained and, at the same time, shall file with the county commission a copy of such citation showing service on the delinquent. Should such delinquent appear timely before the solid waste officer and cannot give satisfactory proof that he has obtained a certificate of exception such officer shall cause the delinquent to subscribe to the solid waste collection and disposal program and pay the required fees. If such delinquent shall fail or refuse to subscribe to the such program and pay such fees, the solid waste officer shall institute or cause to be instituted proceedings as provided in Section 2-27-7 against such delinquent before any court having jurisdiction of such offense. Should such delinquent fail to appear before the solid waste officer within the time allowed such officer shall institute or cause to be instituted proceedings as

provided in Section 2-27-7 against such delinquent before any court having jurisdiction of such offense."

Section 3. Section 22-27-7, Code of Alabama 1975, is hereby amended to read as follows:

"Section 22-27-7. With regard to the collection of solid wastes, the health department shall exercise such supervision over equipment, methodology and personnel in the management of solid wastes as may be necessary to enforce sanitary requirements, and the state and county boards of health may adopt such rules and regulations as may be needed to specify methodology and procedures to meet the requirements of this article. With regard to the disposal of solid wastes, the department shall exercise such regulatory control over the management of solid wastes as may be necessary to enforce the requirements of the department, and the department may adopt such rules and regulations as may be needed to meet the requirements of this article. Any person violating any provision of this article or any rule or regulation made pursuant to this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ~~\$5.00~~ \$50.00 nor more than ~~\$100.00~~ \$200.00, and, if the violation or failure or refusal to obey or comply with such provisions as ~~the~~ this article or such rule or regulation is a continuing one, each day's violation shall constitute a separate offense and shall be punished accordingly. Any person, firm or corporation granted an exception under subsection (eg) of Section 22-27-3 who or which fails to carry out and comply with the provisions of the proposals embodied in the application and plan upon which a certificate of exception was issued to him or it shall be guilty of a misdemeanor and shall be punished as provided in this section. Any person, firm or corporation which has not been issued a certificate of exception under subsection (eg) of Section 22-27-3 and which utilizes the solid waste disposal system of any county or municipality and which fails to pay the fee, rate or charge established by the county commission or municipal governing body therefore shall be guilty of a misdemeanor and shall be punished as provided in this section. All citations to violators of this article shall be served by any lawful officer or by the solid waste officer."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

RESOLUTION

The following resolution was introduced:

By Reps. Warren, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 305. MOURNING THE DEATH OF RUFUS WHITE OF POLLARD, ALABAMA.

WHEREAS, it is with deep personal sorrow and regret that the Alabama Legislature records the lamentable death of Rufus White of Pollard, Alabama, on March 26, 1989, at the age of 77 years; and

WHEREAS, a native and lifelong resident of Pollard and a self-employed timber contractor, Mr. White was a member of the Pollard United Methodist Church and was involved, as well, in numerous other affairs of concern to his community; and

WHEREAS, the death of Rufus White has indeed left a deep void in the life of the Pollard community, and in the hearts of his family and many, many friends; and

WHEREAS, Mr. White, who is survived by his beloved wife, Mrs. Mary Beth White, also is survived by his sons, Skippy White, our friend and colleague; by his sons; Don, Mickey and Johnny White; his brother Aubrey White; and by 12 grandchildren and by 14 great-grandchildren, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of Rufus White of Pollard, Alabama; we further extend out most heartfelt sympathy to his family, for whom copies of this resolution shall be provided that they may know we sincerely share the sorrow of their loss.

On motion of Rep. Warren, the rules were suspended and the resolution, H. J. R. 305, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 321. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Sections 34-37-2, 34-37-3, 34-37-4, 34-37-6, 34-37-8, 34-37-10, Code of Alabama 1975, so as to authorize the board to adopt rules pursuant to the administrative procedures statutes and adopt disciplinary administrative fines and to institute legal proceedings; to provide for a consumer member on the board; to authorize the board to set the compensation of its secretary-treasurer according to state personnel regulations; to provide that state licensing prohibits local entities from also licensing such individuals, it requires certain proof of prior experience for advanced licenses, and requires registration of apprentices, and provides for licensure not later than March 31, 1990, without examination under certain circumstances; to require continuing education by October 1, 1991, and making it a requisite for license renewal after that date; and to eliminate temporary revocable certificates 18 months after passage of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey (JL), the House concurred in and adopted the Senate amendment to the bill, H. 321, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To relate to the Alabama Sunset Law; to continue the existence and functioning of the plumbers and gas fitters examining board with certain modifications; to amend sections 34-37-1 through 34-37-10, section 34-37-12 and sections 34-37-14 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the sunset committee entered upon its duties and recommends the continuance of plumbers and gas fitters examining board, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the plumbers and gas fitters examining board, created and functioning pursuant to Sections 34-37-1 through 34-37-18, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-37-1 through 34-37-10, section 34-37-12 and section 34-37-14 through 34-37-18, Code of Alabama 1975, are hereby amended to read as follows:

"§34-37-1. For purposes of this chapter, the following terms shall have meanings respectively ascribed to them herein unless the context clearly requires a different meaning:

"(1) APPRENTICE GAS FITTER OR PLUMBER. A person other than a master or journeyman gas fitter or plumber, who is engaged in learning and assisting in the installation of gas pipe, equipment, apparatus and appliances, and shall work directly under the supervision of a journeyman or master gas fitter and/or plumber, and who has successfully fulfilled the registration requirements of the board and has been duly registered by the board as such for the current year.

"(1)(2) BOARD. The Alabama plumbers and gas fitters examining board as renamed by this chapter. The board shall have authority to examine, certify and regulate plumbers and gas fitters on a statewide basis as provided in this chapter.

"(2)(3) CERTIFICATION. The process of testing at the state level to determine the knowledge and skill of an individual with respect to plumbing and gas fitting, and the issuing of a license certificates to indicate that an individual has passed such examination.

"(3) GAS FITTING, GAS SYSTEMS OR GAS WORK. The installation, repair or replacement of pipes, fixtures or other apparatus necessary for supplying natural gas for residential or commercial use.

"(4) GAS FITTING, GAS SYSTEMS, OR GAS WORK. The installation, repair of pipes, fixtures, fittings, appliances or apparatus necessary

for supplying natural gas for residential or commercial use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation. The provisions of this chapter shall not be construed to prevent any contractor certified by the Alabama board of heating and air conditioning contractors from installing, replacing, or performing service or repair on natural gas fired air heating/cooling appliances, excluding piping to them provided the installing contractor has a valid certificate issued by the Alabama board of heating and air conditioning contractors.

"(4) JOURNEYMAN GAS FITTER. A person who engages in or works at the actual installation, repair or replacement of gas work and who has not been issued a master gas fitter certification by the board.

"(5) JOURNEYMAN GAS FITTER. A person who engages in or works at the actual installation, repair or replacement of gas work and who has successfully fulfilled the examination requirements of the board and has been issued a journeyman gas fitter certificate by the board and possesses a valid and current annual certificate issued by said board. Such certificate must be available for inspection on request.

"(5) JOURNEYMAN PLUMBER. Any person, other than a master plumber, who engages in or works at the actual installation, alteration, repair and renovation of plumbing and who has successfully fulfilled the examination and requirements of the board.

"(6) JOURNEYMAN PLUMBER. A person who engages in or works at the actual installation, repair or replacement of plumbing systems and who has successfully fulfilled the examination requirements of the board and has been issued a journeyman plumber certificate by the board and possesses a valid current annual certificate issued by the said board. Such certificate must be available for inspection on request.

"(6) MASTER GAS FITTER. A person who is in responsible charge and direction of the installation, repair or replacement of gas work, and who has been issued a master gas fitter license by the board.

"(7) MASTER GAS FITTER. Any person engaged in or proposing to engage in the business of contracting to do, or of superintending the installation, maintenance or repair of gas systems or gas work, either or both. Such individual must qualify to be a certified master gas fitter. If such business be a firm or corporation, at least one active employee of such firm or corporation must be a duly registered and certified master gas fitter, actively and continuously connected with the conduct of said business. Such master gas fitter must have in his possession a current annual certificate issued by the board. Such certificate must be available for inspection on request.

"(7) MASTER PLUMBER. Any person, firm or corporation engaged in or proposing to engage in the business of contracting to do or superintending the installation of plumbing, either or both, but if such applicant for registration be an individual, he must either qualify himself to be a licensed master plumber or must continually keep in his active employ a duly registered and licensed master plumber, and if such licensee be a firm or corporation, at least one active member of such firm or corporation must be a duly registered master plumber, actively, continuously connected with the conduct of said business.

"(8) MASTER PLUMBER. Any person engaged in or proposing to engage in the business of contracting to do, or of superintending the installation, maintenance or repair of plumbing, either or both. Such individual must qualify to be a certified master plumber. If such business be a firm or corporation, at least one active employee of such firm or corporation must be a duly registered and certified master plumber, actively, continuously connected with the conduct of said business. Such master plumber must have in his possession a current annual certificate issued by the board. Such certificate must be available for inspection on request.

"(8)(9) PLUMBING, PLUMBING SYSTEMS OR PLUMBING WORK. The installation, repair or replacement of pipes, fixtures or other apparatus necessary either for supplying water or for removing liquid or waterborne waste. The term is also used to denote installed fixtures, drainage, vents, and water distribution systems.

~~"(9) SECRETARY, The executive secretary of the board.~~

"§34-37-2. The plumbers examining board as created by Act No. 529 of the 1949 Regular Session of the Legislature (Acts 1949, p. 827), as amended, is hereby renamed the Plumbers and Gas Fitters Examining Board and the authority of such board is hereby expanded so as to allow it to examine, license certify and regulate plumbers and gas fitters on a statewide basis as hereinafter provided in this chapter. The board shall have the authority to make and enforce rules adopted in accordance with the Alabama Administrative Procedure Act.

"§34-37-3. The current board members of the plumbers examining board created and established by Act No. 529 of the 1949 Regular Session (Acts 1949, p. 827) Act No. 87-812, S. 490, 1987 Regular Session (Acts 1987, p. 1616), shall continue to serve on the board as renamed by this chapter until the expiration of their current terms. Provided, however, that whenever a current term on said board expires after October 1, 1987, the governor shall make passage of this act, appointments shall be made to fill seats vacated by expiration of term so that each congressional district in the state shall eventually be represented on such board. The order by which such appointments from congressional districts shall be made by the governor shall be as follows: District No. 6; District No. 7; District No. 5; District No. 2; District No. 4; District No. 1; and District No. 3. the governor appointing authority shall designate the length of the term of each of his appointees not to exceed four years. The board shall always be composed of at least two members who are holding a current membership in either the American Federation of Labor Congress of Industrial Organization (AFL-CIO) or one of its affiliate organizations. The board shall always be composed of the following members: one member appointed by the governor shall be a master plumber as defined by this act; one member appointed by the lieutenant governor shall be a journeyman plumber as defined by this act; one member appointed by the governor shall be a registered professional engineer licensed as such by the state board of registration of professional engineers and land surveyors as provided in article 2 of chapter 11 of Title 34, Code of Alabama 1975, or any subsequent act relating to the licensing of professional engineers; one member appointed by the speaker of the house of representatives shall be a municipal or county building official; one member appointed by the governor shall be a master gas fitter as defined in this act; one member appointed by the lieutenant governor shall be a journeyman gas fitter as defined in this act; and one member appointed by the speaker of the house of representatives shall be appointed from the public at large.

The member representing the public at large shall not be engaged or otherwise connected with the plumbing or gas industry or the installation of plumbing or gas work nor connected with any person, firm or corporation handling or dealing in material, fixtures or appliances connected with plumbing or gas work.

“§34-37-4. The board shall continue to meet as heretofore provided by law meet at such intervals as necessary for the proper performance of its duties, but in no case less than once a year. Meetings shall be held at such places in the state as the board shall deem necessary. At its first meeting next following October 1, 1987, passage of this act and every two years thereafter, the board shall organize itself by electing from its membership a chairman, and a vice chairman and a recording secretary. The board shall appoint, employ or contract with a an Executive secretary-treasurer Director for the board who shall also be the treasurer of the board but who shall not be a member of the board and who shall not be engaged or otherwise connected with the plumbing or gas fitting industry. The board shall set the compensation of the Executive Director in accordance with regulations of the state personnel board. Four members of the board shall constitute a quorum for transacting business which may come before the board. Each member of the board shall receive as compensation for services the sum of twenty-five dollars (25.00) 50.00 per day for each day spent in active service for the board. In addition to such per diem compensation, each board member shall be reimbursed for any necessary expense incurred in performing duties as a board member. The expenses allowable to each board member shall not exceed the per diem amount of state travel expenses allowed by law, from time to time, for state employees traveling on state business. Employees of the board shall likewise be entitled to reimbursement for traveling expenses incurred when traveling on official board business at the aforementioned rate for state employees traveling on state business. The board shall have the authority to employ or contract any stenographic or clerical help (and likewise employ compliance officers) when and if the same may be needed, and to purchase necessary office supplies, equipment and services.

“The compensation and expense provided for in this section, and all other authorized expenses, shall be payable solely from fees collected by or on behalf of the board. In no event shall any expense incurred by the board be charged against any funds of the state of Alabama other than the funds collected under the provisions of this chapter.

“§34-37-5. There is hereby established a separate special revenue trust fund in the state treasury to be known as the Alabama Plumbers and Gas Fitters Examining Board Fund. All receipts collected by the board under the provisions of this chapter are to be deposited in this fund and used only to carry out the provisions of this chapter. Such fund shall be disbursed only by warrant of the state comptroller upon the state treasurer, upon itemized vouchers approved by the secretary-treasurer Executive Director of the board; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of sections 41-4-80 through 41-4-96, as amended, and only in amounts as stipulated in the general appropriation bill or other appropriation bills; and provided further that any funds unspent and unencumbered at the end of each fiscal year shall not revert to the state general fund but shall carry forward to the succeeding fiscal year for the use of the board.

“The ~~secretary-treasurer~~ Executive Director of the board shall, before entering upon the duties of his office, make and file with the secretary of

state an official bond in the sum of \$5,000.00, unless covered by the state blanket bond. The appropriate premiums on the same to be paid out of the funds of said board, said bond to be executed by an approved bonding fidelity or guaranty company, qualified to do business in Alabama and acceptable to the secretary of state.

“§34-37-6. (a) It shall be unlawful for any person, firm or corporation, to purchase a business license or to do or perform, or to contract, direct or superintend any plumbing or gas fitting within any incorporated city or town or county of this state unless such person has first received a certificate of competency, hereinafter referred to as 'certificate,' and unless such certificate is in force and effect at time such plumbing or gas fitting is done, directed or superintended, except as hereinafter provided.

“(b) It shall be the duty of the board to register every person who may apply for an apprentice plumber or gas fitter registration certificate upon forms provided by the board, upon his first paying all fees herein prescribed.

“(c) It shall be the duty of the board to examine and pass upon the qualification of every person who may apply for a journeyman's plumber or gas fitter certificate upon forms provided by the board. Such applicant shall be examined, orally or in writing, upon the fundamentals of plumbing or gas fitting; the theory and practice of plumbing installation and construction or gas fitting work, and the experience and ability of the applicant in practical plumbing installation and construction or gas fitting work; and if such applicant be found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction or gas fitting work, and sufficient experience and ability in plumbing installation and construction or gas fitting work to safely and competently apply his knowledge and practice, the board shall issue to him a certificate, upon his first paying all fees herein prescribed. Such examination shall be administered by an independent examining agency.

“(d) It shall be the duty of said board to examine and pass upon the qualifications of every person who may apply for a master's plumber or gas fitter certificate upon forms provided by the board. If such person shows proof of experience as a journeyman plumber, gas fitter, or in other industry related business, as the case may be, he qualifies to take the master's certification examination. Such applicant for a master's certificate shall be examined as an applicant for a journeyman's certificate, as hereinabove required to be examined, and also upon his knowledge, training and ability, in the planning, laying out, and supervision of plumbing installation and construction work or gas fitting work; and if such applicant for a master's certificate be found to possess the qualifications hereinabove prescribed for issuance of a journeyman's certificate, and also sufficient knowledge, training, and ability to competently and safely plan, lay out and supervise plumbing installation and construction work or gas fitting work, he shall be issued a master's plumber or gas fitter certificate by said board.

“(e) The examination required of an applicant for a permit certificate as a master plumber or gas fitter or journeyman plumber or gas fitter may be waived by the board as to any person who furnishes satisfactory proof to the board that he is a person of good moral character, and that he has been actively engaged as a master plumber or gas fitter or as a journeyman plumber or gas fitter, and duly licensed as such under the general laws of the state of Alabama, as the case may be, for at least two years, provided that such person files an application in writing for waiver with the board, which application shall be accompanied by an affidavit giving the name or

names of persons, firms or corporations, and the addresses thereof, by whom he has been employed, or for whom he has done plumbing work or gas fitting work, during said two years of his engaging in said trade. And, provided, further, that said application be filed within 18 months after the passage of this chapter. Except as herein provided in this section, no person shall be issued a certificate without passing the prescribed examination; provided, however, that a person after having passed said examination, shall not be required to take said examination thereafter in order to secure a certificate in subsequent years. At least four examinations per year shall be conducted, at a time and place prescribed by the board after reasonable notice thereof.

“(f) Licenses may be issued without examination to those persons who have been licensed under the general laws of the state as plumbers or gas fitters for at least two years prior to passage of this act or who furnish proof to the board that they have passed an examination substantially equivalent to the board-approved examination prior to passage of this act. The board shall determine the passing score and the equivalency of the examination. Application for licensure under this subsection without examination shall not be considered by the board after March 31, 1990.

“§34-37-7. Any person who fails to pass an examination may, upon reapplication and payment of the regular examination fee, be reexamined at any subsequent examination given by the board.

“§34-37-8. (a) Any person who holds a certificate issued by the board shall be issued a statewide certification upon the renewal of their existing certificate.

“(b) Any certificate issued by the board shall be acceptable by any city, town or county in the state 120 days after passage of this act and any existing local statute or ordinance contrary to this provision of this section is hereby repealed, and no other competency certification or examination shall be required of plumbers or gas fitters by any local governmental entity.

“(c) Any current registration or annual certificate issued to any person by the board shall be in possession of such person at any time he or she engages in or proposes to engage as a master, journeyman or apprentice plumber or gas fitter, as the case may be, and upon request he or she shall make such certificate or registration available for inspection and identification by any person or persons for whom he or she engages or proposes to engage as such, and for identification by plumbing, gas or other authorized enforcement personnel of any governmental entity, board or agency when requested.

“§34-37-9. The board shall set the necessary fees to administer the requirements of this chapter and when adopted, such fee schedule shall be in lieu of any fee schedule heretofore prescribed by said board. The board shall not change the fee schedule to be effective in the middle of a calendar year.

“The certificates provided for herein shall be issued by the board upon the payment of the prescribed fees. All annual certificates shall expire on December 31 of the year in which they are issued. The certificate fees herein prescribed shall be in addition to all privilege or license taxes otherwise levied.

“All applicants requesting replacement of lost or stolen certificates shall be required to pay a \$5.00 reissuance fee based on the regular fee schedule.

"All persons serving in the armed forces will not be required to pay any back years for a renewal certificate during the calendar year he is released from active military duty. All other persons shall pay back years unless proof satisfactory to the board is furnished indicating that the individual was not employed in such years in the plumbing or gas fitting trade.

"§34-37-10. The board may issue a temporary revocable certificate for journeyman classification one time only to any person pending such person's examination for a certificate, if such person furnishes satisfactory proof that he holds a license or certificate to practice as a ~~master or~~ journeyman plumber or gas fitter in any state wherein plumbers and gas fitters are required to meet prescribed standards before engaging in the trade of ~~master or~~ journeyman plumber or gas fitter. Any such temporary certificate during the effective period thereof shall have the force and effect of an annual certificate; but no such temporary certificate shall be effective for a period of more than 90 days from the issuance thereof, or until the next examination, whichever is longer. Prior to receiving any such temporary certificate, the applicant therefor shall be required to pay to the board one half of the annual certificate fee provided for ~~master plumber or gas fitter or~~ journeyman plumber or gas fitter, as the case may be. Additional test dates for master plumber and master gas fitter examinations may be given at the discretion of the board.

"§34-37-12. The board may revoke or suspend any certificate if obtained through concealment, misstatement or misrepresentation of any material fact in the application for such certificate, or for a willful violation of any law or ordinance pertaining to the business of the holder of such certificates. Before a certificate may be revoked, the holder thereof shall have notice in writing, enumerating the charges against him, and be entitled to a hearing by the board not sooner than five days from receipt of notice. The holder of such certificate shall be given an opportunity to present testimony, oral or written, and right of cross-examination and representation by counsel. All testimony shall be given under oath. The board shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses.

"The decision of the board shall be based on the evidence produced at the hearing and made a part of the record thereof. The person whose certificate has been revoked shall not be permitted to apply for a license for one year from the date of revocation.

"Hearings shall be conducted by a hearing officer appointed by the board. Said hearing officer may be a board member, the ~~secretary-treasurer~~ Executive Director or such other person as the board may deem fit and proper to hold such hearing. The testimony adduced at said hearing, along with all other proceedings, shall be taken down by a competent stenographer and shall be preserved as a record of the board and shall be open to the public inspection at all reasonable times. A copy of said record so adduced shall be furnished to each member of the board, and no license shall be revoked unless a majority of the board members concur with the revocation of same.

"No ~~license~~ annual certificate shall be issued to any ~~licensee~~ certificate holder whose ~~license~~ certificate shall have been revoked by the board after such hearing until one year from and after the date of such revocation unless the ~~licensee~~ certificate holder whose ~~license~~ certificate shall have been so revoked shall enter into a bond with good and sufficient surety in the penal sum of \$1,000.00 to faithfully comply with the provisions of this chapter and of all rules and regulations and codes adopted by the board, provided, however, that such ~~licensee~~ certificate holder whose ~~license~~ certificate shall be so revoked may within five days after such revocation appeal from the

board's decision or revocation to the circuit court of the county in which said licensee certificate holder resides, does business or is employed.

"§34-37-14. (a) No person who has obtained a certificate shall allow his name to be used by another person, either for the purpose of obtaining permits, or doing business or work under his certificate; and every person certified shall notify the board of the address of his place of business and the name under which such business is carried on, and shall give immediate notice to the board of any change in either.

"(b) Before any person certified by the board engages in the business of master plumber and/or master gas fitter, he shall notify the board of the address of the place of business he or she engages in as such and the name under which such business is carried on and shall give immediate notice of any change in either. All information required by this section shall be furnished on a business certification form furnished by the board.

"(c) Any certified master plumber or master gas fitter who desires to renew his annual certificate but does not intend to engage as a master shall complete an inactive status affidavit obtained from the board.

"§34-37-15. The following acts, work and conduct may be performed by anyone, without license or certificate, provided, however, that all work and services herein named or referred to shall be subject to an inspection and approval in accordance with the terms of all state laws and applicable municipal ordinances:

"(1) Plumbing work done by a property owner in or about a building owned or occupied by him so long as such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of a trap.

"(2) Plumbing or gas fitting work done by anyone who is regularly employed or acting as a maintenance man acting under the supervision of a maintenance engineer or maintenance engineer incidental to and in connection with the business in which he is employed and engaged, provided said plumbing or gas fitting work is done on the premises of said employer, and who does not engage in the occupation of a plumber or gas fitter for the general public.

"(3) Maintenance and reinstallation work done upon the premises or equipment of a railroad, other businesses or industry, by an employee thereof who does not engage in the occupation of a plumber or gas fitter for the general public.

"(4) Plumbing or gas fitting work done by persons engaged by any public service utility company in the laying, maintenance and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, provided such plumbing ~~or gas fitting~~ work does not necessitate tying into waste or sewer lines on the outlet side of a trap or alter gas piping on consumer side of meter.

"(5) Appliances or fixture installations and service work done in connecting appliances or fixtures to existing piping installations, ~~including fixtures with built-in traps,~~ provided, however, that no person other than a plumber as defined by this act shall be permitted to install traps, closet combinations or commodes.

~~“(6) Any person may install water heaters, provided, however, a permit has been obtained from the municipality for such installation where the same is required by municipal ordinance.~~

“(7) (6) Any person may install washing machines to existing piping installation or waste lines, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of the trap.

“§34-37-16. (a) No person shall use nor allow their license certificate to enable anyone other than the license certificate holder and his employees directly supervised by the license certificate holder to perform plumbing or gas fitting. Local officials may require the license certificate holder to be present if any problems develop on the work.

“(b) No license certificate issued by the board can be sold or transferred. Any license certificate which is misused may be revoked by the board.

“§34-37-17. It shall be unlawful for any person to violate any provision of this act regulating plumbers and gas fitters and any person convicted of such violation shall be punished as prescribed for a Class B misdemeanor.

“§34-37-18. ~~This act shall have supplemental effect. It shall be construed in pari materia with the provisions of Act No. 529 of the 1949 Regular Session of the Legislature (Acts 1949, p. 827), as amended, insofar as the provisions of said Act No. 529, as amended, are not inconsistent with the provisions of this act. Provided, however, that this chapter shall repeal and supersede any laws or parts of laws relating to the licensing and regulation of plumbers and gas fitters which are in conflict with the provisions of this chapter. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), is hereby specifically repealed.~~

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Section 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McMillan, Melton, MiKell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

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Nay: Rep. Holley.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 316. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey (JL), the House concurred in and adopted the Senate amendment to the bill, H. 316, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department and to amend Section 27-8-13 of the Code of Alabama 1975, as amended, relating to licensing of insurance representatives so as to include disability insurance representatives under such licensing statute.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law the Sunset Committee entered upon its duties and recommends the continuance of the Insurance Department.

Section 2. The existence and functioning of the Insurance Department, created and functioning pursuant to Section 27-2-1 and Title 27, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. The legislature concurs in the recommendations of the Sunset committee as provided in Sections 1 and 2 hereof.

Section 4. Section 27-8-13, Code of Alabama 1975, is hereby amended to read as follows:

“§27-8-13.

“(a) Licenses shall state the name and address of the licensee, the kinds of insurance or classifications thereof covered by the license, date of issue and of expiration and the general conditions of the license.

“(b) An agent with a license in force may solicit applications for policies of life and disability insurance on behalf of an insurer with respect to which he is not a licensed agent, provided that such agent submits an application for appointment as an agent of such insurer simultaneously with the submission to such insurer of the application for insurance solicited by him, and provided further, that no commissions shall be paid by such insurer to the agent until such time as an additional license with respect to such insurer has been issued to the agent.

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“(c) The commissioner may, upon request, issue a single license covering all of the kinds of insurance and classifications thereof transacted by the same insurer.”

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (G), Williams, Willis, Wright and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 638. Relating to city boards of education; to amend section 16-11-3 of the Code of Alabama 1975, so as to provide that a local act may provide for the election of members by popular vote and ratifies certain existing local acts.

TOMMY CARTER,
Chairman.

And the bill, H. 638 as engrossed, was ordered sent to the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 1:23 P.M. on March 30, 1989.

H. 56 (CONSTITUTIONAL AMENDMENT)

H. 334 (CONSTITUTIONAL AMENDMENT)

Delivered to the Governor at 1:22 P.M. on March 30, 1989.

H. 72	H. J. R. 246
H. 101	H. J. R. 248
H. 418	H. J. R. 249
H. 492	H. J. R. 250
H. 493	H. J. R. 251
H. 495	H. J. R. 252
H. 499	H. J. R. 253
H. 546	H. J. R. 254
H. J. R. 256	H. J. R. 255
H. J. R. 257	H. J. R. 84
H. J. R. 258	H. J. R. 264
H. J. R. 259	H. J. R. 268
H. J. R. 260	H. J. R. 270
H. J. R. 261	H. J. R. 271
H. J. R. 262	H. J. R. 272
H. J. R. 263	H. J. R. 273
H. J. R. 266	H. J. R. 274
H. J. R. 267	H. J. R. 275
H. J. R. 245	H. J. R. 276

Delivered to the Governor at 1:55 P.M. on March 30, 1989.

H. 400
H. 284
H. 283
H. 282
H. J. R. 284
H. J. R. 285

Delivered to the Governor at 3:05 P.M. on March 30, 1989.

H. 318
H. 319
H. 320
H. 313
H. 314
H. 315

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H. 317

H. J. R. 79

Delivered to the Governor at 3:57 P.M. on March 30, 1989.

H. 230

H. 183

H. 217

H. 322

H. 325

H. 326

H. 328

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Frazier and pursuant to the resolution, H. R. 292, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 4, 1989.

Yeas 38; Nays 29.

Yeas:

Reps. Beasley, Beers, Biddle, Black, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (W), Clay, Colvin, Crow, Curry, Davis, Ford, Frazier, Freeman, Grouby, Hall, Johnson (RW), Kennedy, Laird, Mathis, McClain, McDowell, Melton, Newton (D), Perdue, Petelos, Sanderford, Slaughter, Thomas, Warren, White (G), Williams, Willis and Wright.

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Nays:

Reps. Blake, Breedlove, Bugg, Burke, Carothers, Carter, Cosby, Flowers, Gaston, Goodwin, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Kvalheim, Marks, McKee, McMillan, Payne, Rains, Richardson, Starkey, Venable, Walker and White (L).

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SIXTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 4, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Gary Smith, First Baptist Church, Reform, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by A. D. Hitt, Deacon, First Baptist Church, Reform, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

H. 881 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 881, from the Standing Committee on Judiciary to the Standing Committee on Local Legislation No. 1.

LEAVE OF ABSENCE

At the request of Rep. Colvin, leave of absence was granted for Rep. Bugg.

At the request of Rep. Carter, leave of absence was granted for Rep. Logan.

At the request of Rep. Gray, leave of absence was granted for Rep. Seibels due to illness.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 870. (With Substitute): To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in connection with the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$10,000,000; and to authorize the state to establish a public corporation with the powers and resources necessary to undertake obligations authorized by this amendment to be undertaken by the state.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

H. 855. Relating to Tallapoosa County, to provide for the filing for record and the preservation of all orders and judgments made and entered by the judge of the circuit court of the county.

H. 859. Relating to Lauderdale County; amending Act No. 84-387, H. 757, 1984 Regular Session, so as to provide further for the term and compensation of the revenue commissioner.

H. 868. Relating to Walker County, providing further for the compensation of the county treasurer.

H. 869. Relating to Walker County; to amend Section 3 of Act No. 1067, S. 938 of the 1973 Regular Session (Acts 1973, p. 1802), as amended, relating to the county commission, so as to provide further for the meetings of said commission.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 847. (With Amendment): To provide for the election procedures of the members of the City of Birmingham City Council, Jefferson County, Alabama, for single member districts; to further provide for the residency qualifications and the manner of filling a vacancy; to require certification of any ordinance together with a map or plat of the district boundaries and the filing of such documents by the city clerk in the office of the Judge of Probate; and to repeal conflicting laws.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

H. 848. To amend Section 11-47-14.1 of the Code of Alabama 1975, relating to the construction of port facilities by Class 1 municipalities so as to further regulate the power of the Authority to issue bonds.

H. 850. To amend Act No. 87-793, H. 648 of the 1987 Regular Session (Acts of 1987, p. 1553), relating to the Jefferson County Flood Control Authority, so as to further regulate the power of the Authority to issue bonds.

H. 895. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

H. 782. Relating to Jefferson County; providing further for the Jefferson County Civil Service laws and the personnel board; requiring the county personnel board to add certain preferential points to any examination for employment by certain veterans, certain disabled veterans and widows or widowers of certain veterans; and to repeal conflicting laws.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mathis (With Notice and Proof):

H. 898. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 898, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis:

H. 899. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Marietta (With Notice and Proof):

H. 900. Relating to any Class 2 municipality; providing for an additional method of annexation of territory by any Class 2 municipality; providing for a referendum on the question of annexation by the qualified electors residing within the territory proposed to be annexed by such municipality;

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and providing for an exemption from city ad valorem taxation for a period of five years of territory annexed under this act.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 900, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McDowell:

H. 901. To amend Sections 28-3-43 and 28-8-8, Code of Alabama 1975, relating to the sale of table wines by the Alcoholic Beverage Control Board, so as to eliminate such sales.

Committee on Ways and Means.

By Rep. Adams (With Notice and Proof):

H. 902. Relating to Russell County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 902, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Carter:

H. 903. Proposing an amendment to the state constitution which authorizes, by local legislative act, the creation of a county planning and zoning commission for Limestone County for the planning of land use in unincorporated areas of the county.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Harper:

H. 904. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$20,000,000 for the purpose of paying a portion of the capital costs of deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to

authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this act; to empower the Bond Commission to make necessary payments and agreements regarding investments to comply with Federal law regarding tax exempt bonds, and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

Committee on Ways and Means.

By Reps. Starkey and Hamilton (With Notice and Proof):

H. 905. Relating to Lauderdale County, providing further for the compensation of the license commissioner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 905, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Marks and Drake (With Notice and Proof):

H. 906. Relating to Morgan County; providing for an additional expense allowance for the court reporter of the Eighth Judicial Circuit.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 906, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby (With Notice and Proof):

H. 907. Relating to the City of Mobile; providing further for cost-of-living increases for persons retired from the city board of health.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 907, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby (With Notice and Proof):

H. 908. Relating to Mobile County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 908, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Layson and Newman (With Notice and Proof):

H. 909. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-553, S. 641, of the Regular Session of 1986 (Acts 1986, p. 1127),

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which provides a monthly expense allowance for the presiding judge, so as to remove the restriction on such allowance to certain travel expenses.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 909, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Layson and Newman (With Notice and Proof):

H. 910. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-691, H. 123, of the First Special Session of 1986 (Acts 1st Special Session 1986, p. 96), which provides a monthly expense allowance for the district attorney, so as to remove the restriction on such allowance to certain travel expenses.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 910, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Butler (With Notice and Proof):

H. 911. Relating to the City of Madison in Madison County, Alabama; to authorize the City Council, by ordinance, to regulate blasting and the storage, keeping, hauling and use of explosives.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 911, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mikell (With Notice and Proof):

H. 912. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Millbrook, in Elmore County and to make the provisions of this act retroactive.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 912, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Drake (With Notice and Proof):

H. 913. To provide an annual supplemental retirement benefit to the retired circuit judges and district attorneys of the 8th Judicial Circuit, payable from the county treasury of the county comprising said circuit; to provide that the circuit judges and district attorneys holding office on the effective date of this act may elect to come under this act and that any circuit judge

or district attorney hereafter elected or appointed to office shall come under its provisions as a matter of law; to provide that said participating judges or district attorneys shall contribute to the county treasury a portion of their county salary supplement in order to qualify for the benefits provided herein; to provide that said judges and district attorneys shall begin drawing the additional retirement benefits provided herein at the time they qualify for and begin receiving benefits from the state judicial retirement fund; to provide that said participating judges and district attorneys may elect to withdraw contributions plus interest from the county treasury should their judicial service be terminated prior to becoming eligible for the benefits provided herein, or may elect to leave said contributions with the county treasury until such time as they attain a retirement age and become eligible to receive the benefits provided herein; to provide for a return of contributions, or any remaining portion thereof, to the estate of a participating judge or district attorney should such participant die prior to becoming eligible for the benefits provided herein or prior to recouping all of his contributions; and to provide an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 913, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Drake (With Notice and Proof):

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for a retroactive effective.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 914, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake:

H. 915. Creating an oversight committee for the Department of Archives and History.

Committee on State Administration.

By Rep. Rogers (With Notice and Proof):

H. 916. To further regulate horse racing events in Class 1 municipalities, Sections 11-65-1 through 11-65-47, Code of Alabama 1975, as amended, so as to authorize the racing commission to permit other pari-mutuel wagering including dog racing events, subject to the same regulations, penalties and entitlements as horse racing events to the extent these are applicable; to permit the dog events to be held in facilities adjacent to but not on the same premises or shared tracks as facilities for horse racing, or to allow the operation of any dog track facilities and events in a separate location, from the horse racing events location, within such municipality; to provide for a certain percent of the handle to be used to retire certain losses related to the horse racing operations; and to provide for a county-wide referendum.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 916, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holmes (With Notice and Proof):

H. 917. Relating to Montgomery County, Alabama; authorizing any judge in the Fifteenth Judicial Circuit to release any prisoner charged with a non-violent misdemeanor on his own recognizance without security or bail; and repealing conflicting laws.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 917, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holmes (With Notice and Proof):

H. 918. Relating to Montgomery County; providing that the county commission shall appoint the county administrator; providing for the manner of appointing the assistant county administrator; removing the county administrator and the assistant county administrator from the merit system; repealing conflicting laws.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 918, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holmes (With Notice and Proof):

H. 919. Relating to Montgomery County; amending Section 1 of Act No. 87-748, H. 1051 of the 1987 Alabama Legislature (Acts 1987, p. 1472), providing for the release of certain persons from legal custody who own equitable interest in real estate of the county, so as to further provide for persons who can post bail or appeal bonds using certain real estate equitable interest.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 919, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newton (D), White (G), Wright, and Rogers (With Notice and Proof):

H. 920. Relating to Jefferson County; to further amend Section 22 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according

to the last or any future federal census, a county-wide civil service system; to provide for additional time for appointed hearing officers to submit finding of fact and law to the personnel board and for the personnel board so to act on such findings, and to provide for related matters.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 920, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Freeman (With Notice and Proof):

H. 921. Relating to Madison County; granting to the Madison County Commission the power by ordinance to regulate and prevent the running at large of dogs and to pass all ordinances necessary for the impounding and sale of such dogs and the destruction of such dogs.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 921, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McClain and White (G) (With Notice and Proof):

H. 922. Relating to Jefferson County; to further amend Section 19 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a countywide civil service system; to provide for leaves of absence and vacation for permanent employees holding full-time positions under jurisdiction of this act at the option of the appointing authority, and to provide for related matters.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 922, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 199. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 316. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department and to amend Section 27-8-13 of the Code of Alabama 1975, as amended, relating to licensing of insurance representatives so as to include disability insurance representatives under such licensing statute.

Also:

H. 321. To relate to the Alabama Sunset Law; to continue the existence and functioning of the plumbers and gas fitters examining board with certain modifications; to amend sections 34-37-1 through 34-37-10, section 34-37-12 and sections 34-37-14 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 273. To amend sections 22-21-260, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975,

relating to the control and regulation of development of certain health care facilities, so as to delete the reference to federal regulations, increase the monetary thresholds for certificate of need review and to exempt replacement of equipment from review, include inventories for some specialized services in the State Health Plan and to repeal sections 22-21-269 and 22-21-272, Code of Alabama 1975, relating to certificates of need for planning and contracts for review and recommendations concerning applications for certificates of need.

TOMMY CARTER,
Chairman.

And the bill, H. 273 as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Newman, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 306. COMMENDING BOBBY M. JUNKINS OF GADSDEN, ALABAMA, FOR OUTSTANDING SERVICE AND ACCOMPLISHMENT.

WHEREAS, Bobby M. Junkins of Gadsden is currently serving as Probate Judge of Etowah County, Alabama, having previously served for eighteen years as Director of the Gadsden Public Library; and

WHEREAS, Judge Junkins further is a former colleague who represented District 10 in the Alabama House of Representatives from 1982-1988 and was the first public library director in Alabama ever to serve in the Legislature; and

WHEREAS, our friend, Bobby Junkins, who also was the tallest member of the Legislature during his tenure, was a "giant among men," as well, in contributions and accomplishments on behalf of his district and the State of Alabama, and was recognized therefor through election by his peers as an Outstanding Legislator in 1984 and 1985; and

WHEREAS, other of Judge Junkins' honors include the Distinguished Service Award, Outstanding Young Man of Etowah County, Gadsden's Key Man Award, Governor's Award for the Arts (1988) and nomination for 1984 Alumnus of the Year (Gadsden State Junior College); and

WHEREAS, Judge Junkins, who holds both the bachelor's and master's degrees, has assumed additional leadership through membership and/or office in such organizations as the Gadsden Kiwanis Club, Gadsden Metro Chamber

of Commerce, State Democratic Executive Committee, Gadsden Civic Theater, Baptist Foundation Board, Gadsden Arts Council, Masons, Shriners, First Methodist Church Board of Stewards, Boy Scouts of Chocologco District Executive Board, Jacksonville-Etowah County Alumni Association, Big Men (Business in Gadsden Means Entertainment) and the Etowah County University of Alabama Alumni Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That in recognition of outstanding achievement and service to the City of Gadsden, Etowah County and the State of Alabama, we hereby commend, Bobby M. Junkins of Gadsden, for whom a copy of this resolution shall be provided.

On motion of Rep. Newman, the rules were suspended and the resolution, H. J. R. 306, was adopted.

Also:

By Rep. Rains:

H. J. R. 307. COMMENDING THE GERALDINE HOMEMAKER CLUB FOR OUTSTANDING SERVICE TO THE COMMUNITY.

WHEREAS, almost 60 years ago, the Geraldine Homemaker Club was organized and has since continuously been dedicated to community service and committed to the betterment of society; and

WHEREAS, three charter members, Bertha Mauldin, Della Hicks and Ollie Mae Bailey, have 50-year membership pins; and

WHEREAS, the Geraldine Homemaker Club indeed merits highest commendation for service to their community; they provide transportation to doctors, dentists, grocery stores and pharmacies for the elderly and handicapped in the community; and

WHEREAS, gifts, entertainment and recreation for residents of area nursing homes are provided by the Club on occasions; and

WHEREAS, the Geraldine Homemaker Club performs volunteer work at the Geraldine Public Library and in 1988, they completed a five-year fund raising for the construction of a Geraldine Public Library Community Center, providing a kitchen and dining facility to accommodate 100 persons, mortgage and debt free; and

WHEREAS, endeavoring to beautify its community and state, the Club has adopted a mile of highway to keep clean; and

WHEREAS, the Geraldine Homemaker Club is instrumental in the production of the DeKalb County Annual Fair as well as competing in the Fair; the members of the Club win an average of 75 ribbons each year, collectively; and

WHEREAS, the members of the Geraldine Homemaker Club assist the Auburn Extension Service with various events, including sew-a-ramas, quilt-a-ramas and dress reviews; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to the community and to the state, we hereby most highly commend the Geraldine Homemaker Club, and direct that a copy of this resolution be presented to the Club for appropriate display.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 307, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Rains:

H. R. 308. COMMENDING THE GERALDINE HOMEMAKER CLUB FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

By Rep. Newman:

H. R. 309. COMMENDING MRS. GWEN STEWART SANDERS, OF FAYETTE COUNTY, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Newman:

H. R. 310. DESIGNATING REPRESENTATIVE PAUL PARKER AS THE OFFICIAL EMISSARY OF THE ALABAMA HOUSE OF REPRESENTATIVES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby designate Representative Paul Parker of Morgan County as the official emissary of the House of Representatives during his visit to the U.S.S.R. and Turkey.

BE IT RESOLVED FURTHER, That we urge Representative Parker in this official capacity to contact business and political leaders of the countries on behalf of the State of Alabama.

On motion of Rep. Newman, the rules were suspended and the resolution, H. R. 310, was adopted.

Also:

By Reps. Turner, Zoghby, Gaston, Kvalheim, Clark (W), Kennedy, and Buskey (JE):

H. J. R. 311. DECLARING "CAMP SMILE WEEK", JUNE 26-30, 1989.

WHEREAS, Camp SMILE is located in Citronelle, Alabama and is a camp for retarded children and adults, serving young educable mentally retarded, the trainable and severe and profound mentally retarded campers with multiple handicaps; and

WHEREAS, Camp SMILE was founded in 1972 by the Reverend Glenn L. Vernon, who is the Executive Director of Camp SMILE; and

WHEREAS, Mr. Roy O. Bearden has served as Director of Camp SMILE since its beginning; and

WHEREAS, Camp SMILE, sponsored by the Mobile Baptist Association and the Mobile Association for Retarded Citizens, uses the facilities of the Mobile Baptist Citronelle Assembly; and

WHEREAS, Camp SMILE, which is open to children and adults of all denominations, has had 3,478 campers to date and anticipates an additional 315 campers this summer; and

WHEREAS, in addition to camp workers, all of whom are volunteers, \$50,000 will be spent over a four week period; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we hereby declare the week of June 26 through June 30, 1989, as Camp SMILE Week.

BE IT FURTHER RESOLVED, That in token of our gratitude and esteem, copies of this resolution shall be presented to the Reverend Glenn L. Vernon and Mr. Roy O. Bearden, with a copy also provided for appropriate display at Camp SMILE.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 311, was adopted.

Also:

By Reps. Beers and Biddle:

H. J. R. 312. URGING THE SWIFT EXTRADITION OF CONVICTED FELON, WILLIAM SCHANK.

WHEREAS, the Alabama Legislature notes that William Schank was legally convicted of the 1975 savage murder of a one year old baby girl and sentenced to life imprisonment and also he was serving time for an unrelated burglary conviction and in 1982 through a ministerial error, unintentionally was released from the murder conviction rather than the prior, unrelated burglary conviction; and

WHEREAS, the Legislature notes that the erroneous release of William Schank was without intention and authority and he continued in the constructive jurisdiction and confinement by proper authorities and his departure from that jurisdiction and control makes him a fugitive from justice and free to return to this State to inflict injury and harm upon our citizens and the families of the slain baby are fearful for their lives; and he is a threat to the citizens of Chautauqua County, New York as well; and

WHEREAS, two governors of this State and the attorney general have repeatedly, since 1982, filed for extradition but the Chautauqua County, New York officials, particularly the county district attorney and the presiding judge of the proceedings have denied such extradition, and the Chautauqua County district attorney allegedly took six years to properly file the appropriate legal documents to appeal the judge's refusal to extradite convicted murderer William Schank; and

WHEREAS, the six-year delay in the extradition proceedings caused a five-judge court of appeals panel to state the New York Chautauqua County district attorney had abandoned the appeal and the convicted murderer is free to stalk our streets and harm our society; and

WHEREAS, the Alabama Legislature notes that Governor Mario Cuomo has approved the extradition of William Schank in the past and his office, apparently supports such return; and

WHEREAS, Alabama officials are powerless to act because only the New York officials and the convicted felon have standing for the extradition

proceedings, and only the New York officials have control of the return of William Schank to serve the legally imposed Alabama life term for the heinous infant murder, and to keep others safe from his repeated criminal acts in this state; it is apparent to this Legislature that the only recourse is to remove the New York jurisdiction from Chautauqua County, New York to one of the adjacent counties so that unbiased and competent officials can fulfill the charge of the United States Constitution, Article IV, Section 2, to return felons found in another state upon the demand of the executive authority of the state where charged and be removed to the state having jurisdiction of the crime, as has been directed by Governor Mario Cuomo and his staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body and our citizens are outraged at the travesty of justice that has resulted in the repeated administrative obstacles that have caused the blatant disregard of the United States Constitution and the gross miscarriage of justice in the Schank proceedings.

RESOLVED FURTHER, That we do most strongly urge that Governor Mario Cuomo use every power and means at his disposal to remove the venue of the Schank extradition to another county because of the reprehensible and uncooperative conduct of the Chautauqua County, New York officials and their total disregard for the standard extradition processes honored by agreement developed between the states.

BE IT FURTHER RESOLVED, That this body does urgently request the swift return to this State of the convicted infant murderer, William Schank and that copies of this resolution be presented forthwith to the Honorable Mario Cuomo.

On motion of Rep. Beers, the rules were suspended and the resolution, H. J. R. 312, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 312: Reps. Beasley, Blakeney, Britnell, Curry, Gray, Grouby, Hamilton, Hogan, Holley, Petelos, Sanderford and Walker.

Also:

By Rep. Escott:

H. J. R. 313. COMMENDING JUANITA J. VANN ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

WHEREAS, the Legislature of Alabama notes with highest honor and esteem the nomination of Juanita J. Vann as a candidate for NEA UniServe Director; and

WHEREAS, Ms. Vann, who is a mathematics teacher at Parker High School in the Birmingham City School System, and who was nominated for the directorship by petition, has served her local chapter as president, treasurer, recording and corresponding secretary, and on several NEA and AEA commissions and committees; and

WHEREAS, currently serving as co-chairperson of the AEA Legislative Commission, she also is BEA-IPD Committee Chairperson and alternate for the NEA Resolutions Commission; and

WHEREAS, Ms. Vann further served on the ASDE State Advisory Committee on Teacher Education and Certification for two terms; on the state Department of Education Review Team for postsecondary education; has completed formal CADRE Training for New Leaders, which is sponsored by NEA and AEA; and is a member of Phi Delta Kappa, Kappa Delta Pi, NCTM, ACTM, NCSM, ASCD, AAUW, NEAT Caucus and AKA; and

WHEREAS, Ms. Juanita Vann, who has indeed served her profession with outstanding dedication and distinction, is to be sincerely praised for her contributions and accomplishments in the field of education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Juanita J. Vann on her nomination as a candidate for NEA UniServe Director, and do further direct that she receive a copy of this resolution, executed in recognition of her outstanding service and achievement as a distinguished educator.

On motion of Rep. Escott, the rules were suspended and the resolution, H. J. R. 313, was adopted.

Also:

By Reps. Escott and Kennedy:

H. J. R. 314. COMMENDING EUNICE HORTON ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

WHEREAS, the Legislature of Alabama notes with highest honor and esteem the nomination of Eunice Horton as a candidate for NEA UniServe Director; and

WHEREAS, Mrs. Horton, a classroom teacher for 25 years, has further served her profession and the education community as president of the Jefferson County Education Association on two occasions and has served on the vast majority of her local chapter's committees; and

WHEREAS, on the state level, Eunice Horton served as chairperson of the IPD Commission and on the Budget, Resolutions and PR Commissions; she currently is a member of the AEA Board of Directors and of various committees established by the state and local boards of education; and

WHEREAS, Mrs. Horton, in national involvement, served on the NEA Resolutions Committee for six years and on the UniServe Advisory Committee; and

WHEREAS, Mrs. Horton, who has indeed served her profession with outstanding dedication and distinction, is to be sincerely praised for her contributions and accomplishments in the field of education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Eunice Horton on her nomination as a candidate for NEA UniServe Director, and do further provide that she receive a copy of this resolution, executed in recognition of outstanding service and achievement as a distinguished educator.

On motion of Rep. Escott, the rules were suspended and the resolution, H. J. R. 314, was adopted.

Also:

By Reps. Escott and Kennedy:

H. J. R. 315. COMMENDING BRENDA DeRAMUS-COLEMAN ON HER NOMINATION AS CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

WHEREAS, the Legislature of Alabama notes with highest honor and esteem the nomination of Brenda DeRamus-Coleman as a candidate for NEA UniServe Director; and

WHEREAS, Ms. Brenda DeRamus-Coleman, who is a Spanish Teacher in the Lanier Academic Motivational Program at Sidney Lanier High School in Montgomery, was nominated for the directorship by petition of 50 members; and

WHEREAS, a graduate of Alabama State University, Ms. DeRamus-Coleman also earned the M.Ed. degree from Auburn University at Montgomery and, as a dedicated educator, has served her profession in numerous capacities of leadership; and

WHEREAS, she currently serves as president of Montgomery ACT and treasurer of the Southeast Region ACT, as a member of the AEA Resolutions Commission and as co-chair of the ACT Resolutions Committee; and

WHEREAS, Mrs. DeRamus-Coleman has further served as budget officer, secretary and vice president of Montgomery ACT; has chaired several committees of MACT, MCEA and AEA; has attended the NEA, AEA and SERACT Representative Assemblies; and has served for the past 10 years as a local association representative; and

WHEREAS, she also is and/or has been associated with numerous other professional organizations; has served additionally on various local, state and national committees, council and review teams; and has often been recognized with such distinctions as the 1988 SERACT Service Award, Outstanding Educator Award, and the Emory D. Jackson Award, among others, and has been featured and/or listed in NEA Today and Outstanding Young Women in America; and

WHEREAS, Ms. DeRamus-Coleman, who has indeed served her profession with outstanding dedication and distinction, is to be sincerely praised for her contributions and accomplishments in the field of education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Brenda DeRamus-Coleman on her nomination as a candidate for NEA UniServe Director, and do further direct that she receive a copy of this resolution, executed in recognition of her outstanding service and achievement as a distinguished educator.

On motion of Rep. Escott, the rules were suspended and the resolution, H. J. R. 315, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 316. COMMENDING DON MOSS FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Dial (With Notice and Proof):

S. 568. Relating to Clay County; granting to the Clay County Commission the authority, if they so desire or deem necessary, to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the implementation of this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 568, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Dial (With Notice and Proof):

S. 569. Relating to Chambers County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 569, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Dial (With Notice and Proof):

S. 571. Relating to Randolph County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 571, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Dial (With Notice and Proof):

S. 577. Relating to Cherokee County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 577, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows.

S. 568. Local Legislation No. 1.

S. 569. Local Legislation No. 1.

S. 571. Local Legislation No. 1.

S. 577. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Sanders (With Notice and Proof):

S. 534. Relating to Wilcox County, repealing Act No. 317, S. 343, 1943 Local Acts, as amended, entitled "An Act To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued."

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 534, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 534. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey (With Notice and Proof):

S. 531. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided

for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 531, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 531. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Horn:

S. 455. To reduce the appropriation from the State General Fund to the Department of Environmental Management by \$150,000 for the fiscal year ending September 30, 1989.

Also:

By Senators Horn and Foshee:

S. 464. To reduce the appropriation from the State General Fund to the Alabama Development Office by \$300,000 for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 522. To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

Also:

By Senator Horn:

S. 523. To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 524. To make a supplemental appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 525. To make a supplemental appropriation from the State General Fund to the Alabama Department of Environmental Management for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 526. To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 455. Ways and Means.
- S. 464. Ways and Means.
- S. 522. Ways and Means.
- S. 523. Ways and Means.
- S. 524. Ways and Means.
- S. 525. Ways and Means.
- S. 526. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 463. To reduce the appropriation from the State General Fund to the Department of Conservation and Natural Resources by \$500,000 for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 463. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ellis:

S. 64. To provide further for the revision of eminent domain laws of this state by amending sections 18-1A-24, 18-1A-30, 18-1A-70, 18-1A-74, 18-1A-110, 18-1A-194, 18-1A-211, and 18-1A-276 of the Code of Alabama 1975 to make clarifying amendments to the sections.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 64. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Covington (With Notice and Proof):

S. 566. To abolish all previous salary supplements and expense allowances paid to the circuit judges of the 33rd Judicial Circuit composed of Dale and Geneva counties on September 30, 1989, and to establish a new salary supplement on October 1, 1989, which shall be paid to the circuit judges of the 33rd Judicial Circuit and to establish the method of payment for such supplemental salaries.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 566, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 566. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Horn (With Notice and Proof):

S. 25. Relating to the composition of the board of directors of that certain public corporation, the Alabama State Fair Authority, created by Act No. 215, 1947 General Acts of Alabama; amending Section 4 of Act No. 215, S. 278, Regular Session 1947 (General Acts of Alabama of 1947, p. 81), as amended, which relates to the composition of the board of such authorities in certain cities having a certain population in Jefferson County, so as to increase the number and providing the manner of their selection.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 25, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 25. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bennett, Hale, Dial, Holmes, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), Smith (J), and Windom:

S. J. R. 111. COMMENDING THE JACKSONVILLE STATE UNIVERSITY GAMECOCKS FOR MAKING THE FINAL FOUR, DIVISION II, NCAA NATIONAL TOURNAMENT, 1989.

Also:

By Senators Dial, Barron, Bedsole, Amari, Bailey, Bedford, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), Smith (J), and Windom:

S. J. R. 112. COMMENDING MR. DALE RICHEY, DIRECTOR OF ALABAMA FARMERS HOME ADMINISTRATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Willis, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 111, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Lindsey, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 112, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey (JL), the House concurred in and adopted the Senate amendment to the bill, H. 327, said Senate amendment being as follows:

Amend House Bill 327 on page 4, line 16 as follows:

Delete the figure "\$150.00" and add in lieu thereof the figure "\$75.00".

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Coburn, Crow, Curry, Dillard, Drake, Frazier, Freeman, Gaston, Gray, Hall, Headley, Hill, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Lindsey, Marks, Mathis, Melton, Mikell, Moon, Newman, Parker, Poole, Sanderford, Turner, Turnham, Venable, Walker, White (F), Williams, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 324. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Sections 34-25-2, 34-25-4, 34-25-5, 34-25-7, 34-25-21, 34-25-22, 34-25-23, 34-25-24, 34-25-25, 34-25-28, 34-25-32 and 34-25-36, Code of Alabama 1975, so as to define chairman of the board; reduce board members from 5 to 3 voting members and 2 advisory consultants; provide for employees of the board; transfer all functions, records, equipment, documents, funds and responsibilities of the board to the public safety department; create a polygraph examiners revolving fund in the state treasury; provide purchases will be made pursuant to the state bid law; authorize the board to seek restraining court orders; provide surety bonds of licensees in an amount set by the board; provide for applications for licensure to be made to the board and for fees for out-of-state applicants; authorize the board to issue internship licenses; require changes of address be given in writing to the board; provide for oral examinations of applicants; and authorize the board to revoke and restore licenses.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey (JL), the House concurred in and adopted the Senate amendment to the bill, H. 324, said Senate amendment being as follows:

Amend House Bill No. 324 Page 4 Line 5, as follows: after the words "must be" add the word "a"

Further amend Page 4 Line 5, as follows: after the word "examiner," add the words "and an"

Amend House Bill 324 on Page 1, line 17, by deleting the word "revolving".

Further amend House Bill 324 on Page 2, line 11, by deleting the word "revolving".

Further amend House Bill 324 on Page 6, line 3, by inserting after the word "monies" the words and appropriations.

Further amend House Bill 324 on Page 6, line 12, by deleting the word "Revolving".

Further amend House Bill 324 on Page 6, line 15, by deleting the word "Revolving".

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Butler, Clark (W), Cosby, Curry, Dillard, Drake, Escott, Freeman, Fuller, Gaston, Hall, Hamilton, Harvey, Haynes, Headley, Hill,

REGULAR SESSION
16th Day

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Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Lindsey, Marks, McMillan, Mikell, Moon, Newman, Parker, Poole, Sanderford, Turner, Venable, Walker and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 323. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers with certain modifications; to amend Sections 34-14-2, 34-14-4, 34-14-5, 34-14-6, 34-14-7, 34-14-9, 34-14-10, 34-14-11, 34-14-30, and 34-14-31, Code of Alabama 1975, so as to prohibit practice of hearing aid dealers during grace period for license renewal; to specify the state board of health shall receive certain lists and statements; to specify the board determines qualifications of applicants for licensure; to remove specific examination subjects and allow a national examination; to require a continuing education program by the board by October 1, 1991; to phase out temporary licenses over an 18-month period; to specify certain disciplinary powers of the state board of health and to authorize administrative fines, and the institution of legal proceedings; to require a doctor's examination six months prior to hearing aid fitting for persons under age 18; to specify the state board of health's powers of revocation and suspension of licenses; to provide a consumer member of the board; and to authorize the board to adopt rules relating to adequacy of qualifications of applicants for licensure and for their examination.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey (JL), the House concurred in and adopted the Senate amendment to the bill, H. 323, said Senate amendment being as follows:

In the Synopsis, page 1, line 22; and in the title, page 2, line 17; and in Section 3 of the quoted Section 34-14-7, page 6, line 10, remove the number "18" and in lieu thereof in each said place in the bill, substitute the number:

36

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W),

Coburn, Cosby, Crow, Curry, Dillard, Drake, Freeman, Gaston, Grouby, Hall, Hamilton, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Marks, Melton, Mikell, Moon, Newman, Parker, Poole, Sanderford, Venable, Walker, White (F), Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 784 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 784, from the Calendar to the Standing Committee on Tourism, Entertainment and Sports.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution relating to H. B. 795, was adopted.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Blakeney, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Clay, Colvin, Curry, Dillard, Gray, Hamilton, Harvey, Haynes, Headley, Hill, Holley, Holmes, Johnson (RW), Knight, Laird, Lindsey, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Payne, Sanderford, Turnham, White (F) and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Colvin, Curry, Dillard, Gaston, Hamilton,

Hammett, Holley, Holmes, Johnson (RW), Knight, Lindsey, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Sanderford, Slaughter, Turnham, Venable, White (F), White (G) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution relating to H. B. 833, was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Blakeney, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clay, Curry, Dillard, Gaston, Hamilton, Headley, Hill, Holley, Holmes, Knight, Kvalheim, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Payne, Sanderford, Slaughter, Thomas, Turnham, White (G), Williams, Willis and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 833. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

Yeas:

Mr. Speaker, Beasley, Brooks, Carothers, Clay, Curry, Dillard, Gray, Headley, Hill, Knight, Kvalheim, Marks, Mathis, Moon, Newman, Newton (C), Richardson, Sanderford, Slaughter, Turner, Turnham, White (F), White (G), White (L), Willis and Zoghby.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McMillan, Budget Isolation Resolution relating to H. B. 845, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Clay, Colvin, Curry, Dillard, Gaston, Gray, Hamilton, Headley, Higginbotham, Hill, Holmes, Knight, Lindsey, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Richardson, Sanderford, Slaughter, Turner, Turnham, White (F), White (G), White (L), Willis and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 845. (With Substitute): Relating to Baldwin County; to amend Act No. 609 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to provide for the support of the public schools of Baldwin County.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Baldwin County; to amend Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to sustain them to provide for the support of the public schools of Baldwin County, so as to add a new section 10 which partially suspends the tax so long as a certain sales tax, levied by ordinance, is effective.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama (Acts 1900-01, p. 1446), be, and the same is hereby, amended by adding thereto Section 10 in words and figures as follows:

“Section 10. Be it further enacted that the provisions of Sections 1 and 3, relating to the levy and collection of a 2 mill special tax, shall not

apply as long as the privilege, license and excise tax for school purposes levied by ordinance of the Baldwin County Commission adopted on December 20, 1988, pursuant to the authority vested in it by Sections 40-12-4 through 40-12-7, Code of Alabama 1975, as amended, remain in force and effect or the rate of such tax is increased. Should the Baldwin County Commission amend, repeal or rescind said ordinance of December 20, 1988, with the result that in and by the terms of such amendment, such repeal or recession of the tax imposed in said ordinance is repealed, abolished or is reduced to a rate less than that imposed thereby; then, in that event, the provisions of this section shall thereupon become null, void and of no force and effect, and the provisions of Sections 1 and 3 of Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama (Acts 1900-01, p. 1446), shall again become operative and in full force and effect to the same extent as if this amendment had not been enacted."

Section 2. If this amendatory act is declared invalid or unconstitutional such declaration shall not affect the remaining portions of said Act No. 609 which are now in force and effect.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

And the substitute was adopted.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Britnell, Brooks, Bryant, Buskey (JE), Clay, Colvin, Curry, Gaston, Hamilton, Knight, Kvalheim, Lindsey, Mathis, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Richardson, Sanderford, Slaughter, White, (F), White (L), Williams, Willis and Wright.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 845. Relating to Baldwin County; to amend Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to sustain them to provide for the support of the public schools of Baldwin County, so as to add a new section 10 which partially suspends the tax so long as a certain sales tax, levied by ordinance, is effective.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carter, Colvin, Curry, Gaston, Gray, Hamilton,

Harvey, Knight, Layson, Marietta, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Payne, Penry, Petelos, Richardson, Sanderford, Slaughter, White (G), Williams, Wright and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Williams, Budget Isolation Resolution relating to H. B. 835, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Britnell, Brooks, Bryant, Campbell, Colvin, Cosby, Curry, Dillard, Gaston, Goodwin, Hamilton, Headley, Higginbotham, Hill, Holley, Johnson (RW), Knight, Kvalheim, Layson, Lindsey, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Payne, Penry, Petelos, Richardson, Sanderford, Slaughter, Starkey, Turner, Turnham, Venable, White (F), Williams, Willis and Wright.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 835. Relating to Dale County; abolishing the office of constable; and providing an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Blake, Blakeney, Britnell, Brooks, Bryant, Buskey (JL), Clay, Colvin, Cosby, Dillard, Goodwin, Headley, Hill, Hogan, Holley, Johnson (RW), Layson, Marks, Mathis, Moon, Newman, Newton (C), Parker, Payne, Richardson, Sanderford, Starkey, Turnham, Williams and Willis.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moon, Budget Isolation Resolution relating to H. B. 861, was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JL), Carter, Clay, Colvin, Cosby, Dillard, Gaston, Goodwin, Grouby, Hamilton, Headley, Higginbotham, Hill, Holley, Johnson (RW), Kvalheim, Laird, Melton, Moon, Newman, Payne, Poole, Richardson, Sanderford, Starkey, Turnham, White (F), White (G), Willis and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 861. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JL), Carter, Colvin, Cosby, Dillard, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Headley, Hill, Holley, Johnson (RG), Johnson (RW), Kvalheim, Laird, Marks, McMillan, Melton, Moon, Newman, Parker, Poole, Richardson, Sanderford, Starkey, Turnham, White (G) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moon, Budget Isolation Resolution relating to H. B. 862, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Biddle, Bowling, Britnell, Brooks, Bryant, Buskey (JL), Carter, Clay, Colvin, Cosby, Curry, Dillard, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Layson, McMillan, Melton, Moon, Newman, Parker, Payne, Richardson, Sanderford, Slaughter, Starkey, Turnham, White (F), White (G), Willis and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 862. Relating to Marshall County, amending Act No. 87-522, 1987 Regular Session, which provides for a tobacco tax, so as to provide further for the collection of said tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 30; Nays 0.

Yeas:

Mr. Speaker, Bowling, Breedlove, Britnell, Carter, Colvin, Curry, Dillard, Freeman, Goodwin, Hall, Hamilton, Headley, Hill, Holley, Johnson (RW), Knight, Lindsey, Melton, Moon, Newman, Newton (D), Parker, Perdue, Richardson, Slaughter, Spratt, Starkey, Turner and White (F).

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blake, Budget Isolation Resolution relating to H. B. 866, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Clay, Colvin, Cosby, Crow, Curry, Dillard, Ford,

Freeman, Gaston, Hall, Hamilton, Harvey, Headley, Hill, Hogan, Holley, Johnson (RW), Knight, Layson, Marks, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Richardson, Sanderford, Slaughter, Starkey, Turner, Venable, Williams, Willis and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 866. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city and to provide for a referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Colvin, Crow, Curry, Dillard, Drake, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Harvey, Headley, Hill, Hogan, Holley, Johnson (RW), Knight, Lindsey, Marks, Mathis, Melton, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), Willis and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 143, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Curry, Dillard, Drake, Freeman, Fuller, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Hill, Hogan, Holley, Holmes, Johnson (RW), Kennedy, Knight, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Richardson, Sanderford, Slaughter, Turner, Turnham, Venable, White (F), White (G), Willis and Zoghby.

—61

And the bill:

H. 143. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Coburn, Colvin, Cosby, Curry, Drake, Ford, Freeman, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Hill, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Marietta, Mathis, Melton, Newman, Newton (C), Parker, Payne, Perdue, Petelos, Richardson, Sanderford, Slaughter, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Wright and Zoghby.

—60

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Reps. Clark (W) and Buskey (JE) would have voted "Yea" on the bill, H. 143, had they been in the Chamber at the time of voting.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 317. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of business for the 16th legislative day, Tuesday, April 4, 1989, taking precedence over the regular order of business or any pending or unfinished business:

Inst Id	Page
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<u>H. 259</u> —By Starkey	2
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Nonprofit corporations, officers, appointed by mayors immune from civil liabilities, Sec. 10-11-2 am'd.

<u>H. 76</u> —By Harvey	90
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Counties, cities or other political subdivisions subject to fed. Uniform Relocation assistance and Real Property Acquisition Policies Act, auth. to practice cert. relocation assistance and payment procedures, Secs. 23-1-200 thru 23-1-209 repealed.

<u>H. 144</u> —By Harper (As Substituted)	64
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Teachers, tuition pd. for continuing ed; Ala Comm. on Higher Ed., administer

<u>H. 21</u> —By McClain	44
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Taxation, deadline date for making supplemental returns or list for assessment of taxes changed, Secs. 40-7-2, 40-7-19, 40-7-22, and 40-7-31 am'd.

REGULAR SESSION
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H. 539—By White (G) 130

Airport authorities, exercise of police jurisdiction, jurisdiction of crimes on property in mun. ct., Sec. 4-3-47 am'd.

H. 614—By Zoghby (As Substituted) 137

Historical buildings, places and sites further defined and method of defining expanded, Sec. 40-8-1 am'd.

H. 450—By Ford (As Amended) 57

Credit unions, can be made to cease and desist cert. activities, interest and charges, criminal penalties, Secs. 5-17-8, 5-17-18 am'd.

H. 158—By Penry 53

Electric Cooperatives, Rural Electric Cooperatives, Bd. of Trustees may set debt limit & mortgage property, Sec. 37-6-21 am'd.

H. 445—By Higginbotham (As Substituted) 70

College tuition, prepaid plan through state treasury

H. 5—By Starkey 64

Teachers' Retirement System, former employees of Athens St. and jr. colleges auth. credit for cert. service, Sec. 16-25-13.1 am'd.

H. 494—By Freeman 39

Boats, registration fees incr., Sec. 33-5-17 am'd.

H. 592—By Holley (As Substituted) 101

Rural Electric Coops., auth. to own electric facilities, Sec. 37-6-3 am'd.

H. 91—By Campbell 10

Uniform fed. lien registration provided, Secs. 35-11-40, 35-11-41 repealed

H. 420—By White (L) 32

State employees, deductions from salaries for employee organizations

H. 17—By Breedlove 24

Alligator farms, licensed and regulated, penalties provided, Conservation and Natural Resources Dept. to admin.

H. 121—By Starkey 6

Solid Waste disposal authorities

H. 800—By Box 173

Insurance; health and disability rate adjustments to have approval of commissioner; certain information to be filed with department.

<u>H. 555</u> —By Haynes	91
Abandoned vehicles, procedure for sale alt., hearings estab., Secs. 32-13-1 through 32-13-4 am'd.	
<u>H. 668</u> —By Harvey	128
Utilities, disposition and disbursement of inspection and supervision fees, Sec. 37-4-23 am'd.	
<u>H. 677</u> —By Breedlove (As Amended)	153
Worthless checks, service charge incr. to \$15.00, Secs. 12-17-224, 13A-9-13.1, 13A-9-13.2 am'd.	
<u>H. 360</u> —By Gray	16
Elections, death reports from vital statistics to bd. of registrars, content, Sec. 17-4-131 am'd.	
<u>H. 170</u> —By Carter (As Substituted)	155
Child sexual abuse cases, cert. out-of-court statements may be admissible, evidence of	
<u>H. 54</u> —By Venable (As Amended and Substituted)	164
State employees benefits provided to estab. benefits, Cafeteria Plan, choice of comp or nontax benefits	
<u>H. 125</u> —By Fuller (As Substituted)	33
County commissioners, term alt., Sec. 11-3-1 am'd.	
<u>H. 285</u> —By Logan	24
Lifetime hunting, fishing and combined licenses, fee incr., non-residents not entitle to receive, voiding provision removed	
<u>H. 26</u> —By Mathis (As Amended)	20
Motor vehicles, sizes and lengths auth. to be on highways reg., Secs. 32-9-20, 32-9-25 am'd.	
<u>H. 287</u> —By Fuller (As Substituted)	45
Tax collectors, tax assessors, revenue commissioners, license commissioners, minimum salary reg., population brackets alt., Sec. 40-6A-2 amd.	
<u>H. 288</u> —By Fuller	38
Tax collector, revenue commissioner, tax assessor, license commissioner, fees incr.	
<u>H. 166</u> —By Butler (As Amended)	15
Marriage license, lab test for syphilis, Sec. 22-11A-15 am'd.	
<u>H. 268</u> —By Mikell	89
State officers and employees acting within scope of employment, cap on judgments against	

**REGULAR SESSION
16th Day**

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H. 676—By Breedlove 178

Mowa Choctaw Housing Authority, bd. membership, duties, area of operation alt., Secs. 24-7-1 through 24-7-4 am'd.

H. 731—By Williams 167

State holidays, Sec. 1-3-8 am'd.

H. 110—By White (L) (As Amended) 28

Counties, ad valorem taxes collected, investment reg.

H. 515—By Harper (As Substituted) 72

Mobile Co., new permit req. for Theodore Industrial Park re sewage in Mobile Bay, issued by co. water and sewer bd. and ADEM

H. 543—By Harper (As Amended) 35

Water and fire protection authority of a county, take over by mun. water and sewer bd. reg.

H. 404—By Freeman 53

Alabama Workmen's Compensation Self-Insurers Guaranty Association, created

H. 530—By Buskey (JL) (As Amended) 136

Penny Trust Fund, enabling act

H. 387—By Buskey (JL) 55

Penny Trust Fund, established, to be used for public health and public schools, consti. amd.

H. 446—By Box 71

State funds, time deposits, further providing for auction rate for 91-day and 26-wk. maturity and interest calculations, Sec. 41-4-33 am'd.

H. 679—By Haynes 145

Videocassettes and films, taping and sales of certain, prohib. Secs. 13A-8-80 thru 13A-8-84, 13A-8-86, am'd.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the resolution, H. R. 317:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of business for the 16th legislative day, Tuesday, April 4, 1989, taking precedence over the regular order of business or any pending or unfinished business:

Inst Id	Page
<u>H. 275</u> —By Holley	150
Solid Waste	
<u>H. 259</u> —By Starkey	2
Nonprofit corporations, officers, appointed by mayors immune from civil liabilities, Sec. 10-11-2 am'd.	
<u>H. 76</u> —By Harvey	90
Counties, cities or other political subdivisions subject to fed. Uniform Relocation assistance and Real Property Acquisition Policies Act, auth. to practice cert. relocation assistance and payment procedures, Secs. 23-1-200 thru 23-1-209 repealed.	
<u>H. 144</u> —By Harper (As Substituted)	64
Teachers, tuition pd. for continuing ed; Ala Comm. on Higher Ed., administer	
<u>H. 21</u> —By McClain	44
Taxation, deadline date for making supplemental returns or list for assessment of taxes changed, Secs. 40-7-2, 40-7-19, 40-7-22, and 40-7-31 am'd.	
<u>H. 539</u> —By White (G)	130
Airport authorities, exercise of police jurisdiction, jurisdiction of crimes on property in mun. ct., Sec. 4-3-47 am'd.	
<u>H. 614</u> —By Zoghby (As Substituted)	137
Historical buildings, places and sites further defined and method of defining expanded, Sec. 40-8-1 am'd.	
<u>H. 450</u> —By Ford (As Amended)	57
Credit unions, can be made to cease and desist cert. activities, interest and charges, criminal penalties, Secs. 5-17-8, 5-17-18 am'd.	
<u>H. 158</u> —By Penry	53
Electric Cooperatives, Rural Electric Cooperatives, Bd. of Trustees may set debt limit & mortgage property, Sec. 37-6-21 am'd.	
<u>H. 445</u> —By Higginbotham (As Substituted)	70
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MOTION TO TABLE LOST

The motion offered by Rep. Box to table the substitute offered by Rep. Turner to the resolution, H. R. 317, was lost.

Yeas 7; Nays 65.

Yeas:

Reps. Black, Box, Bryant, Buskey (JE), Coburn, Slaughter and Williams.

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Nays:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Burke, Buskey (JL), Carothers, Carter, Cosby, Curry, Drake, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Marks, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Petelos, Poole, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 86. COMMENDING AND ENCOURAGING PRESIDENTIAL AIRWAYS, AN AFFILIATE OF UNITED AIRLINES, TO LOCATE A REGIONAL HUB IN BIRMINGHAM.

Also:

S. J. R. 99. COMMENDING A. H. PARKER HIGH SCHOOL ON ITS PARTICIPATION IN THE SOUTHEASTERN CONSORTIUM FOR MINORITIES IN ENGINEERING (SECME) PROGRAM.

Also:

S. J. R. 107. DESIGNATING COUNTY ROAD 41 IN DALE COUNTY AS THE "HAZEN THOMPSON ROAD."

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 523. Relating to Jackson County; authorizing and providing for the incorporation of the Jackson County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Jackson County Water Authority; permitting and authorizing merger of existing water systems or authorities with Jackson County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, as first priority, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental

function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

H. 702. Relating to Russell County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; and expressing legislative intent regarding said contracts.

Also:

H. 703. Relating to Russell County; levying a lodging tax; and providing for the collection and distribution of said tax.

McDOWELL LEE,
Secretary.

MESSAGES FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate has appointed as Committee on Conference for the Bill, H. B. 281, on part of the Senate, Senators Drinkard, Horn, and Barron.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 687. Relating to Perry County, providing further for an expense allowance for the chairman of the county commission.

Also:

H. 689. Pertaining to Jackson County, to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of their net earnings and for the utilization of the funds derived therefrom;

to provide for the Jackson County Work Release and Pretrial Release Fund; to set standards for judicial officers in said county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety on bail bonds in Jackson County and to provide that certain acts by such persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Jackson County Work Release and Pretrial Release Commission; to provide for the membership of said commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pretrial release and work release programs in Jackson County; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 517. Relating to Henry County, amending Act No. 81-913, H. 7, 1981 First Special Session, which provides for an expense allowance for members of the county commission, so as to provide further for said allowance.

Also:

H. 567. Relating to Elmore County; providing further for additional costs and charges in all circuit and district court cases, excluding small claims division, and providing for the establishment of a juvenile court services fund in the county and for the distribution of monies in such fund.

Also:

H. 623. Relating to Sumter County, to disburse additional funds to the South Sumter County Development Authority from revenues generated by fees on waste storage or dumping and to include certain additional districts within the composition of said authority.

Also:

H. 685. Relating to Perry County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax laws, providing for the collection and distribution of the proceeds of such tax; providing for the enforcement of this act; and prescribing penalties for violation of this act.

McDOWELL LEE,
Secretary.

H. R. 317 RESUMED SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Turner to the resolution, H. R. 317, and the substitute was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Colvin, Cosby, Crow, Curry, Dillard, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the resolution, H. R. 317 as amended, was adopted.

SPECIAL ORDER

The House then proceeded to the consideration of the Special Order.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Holley, the Budget Isolation Resolution and the bill, H. 275, were temporarily carried over.

H. 259 TAKEN UP

And the bill:

H. 259. To amend section 10-11-2, Code of Alabama 1975, relating to immunity from civil liability for certain officers of nonprofit corporations, so as to include said officers appointed by mayors.

Which was carried over temporarily on the thirteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Clay, Coburn, Cosby, Crow, Curry, Dillard, Ford, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McKee, McMillan, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Slaughter, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nay: Rep. Holmes.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 690. Relating to the distribution of certain monies received by Escambia County from severance and privilege tax on oil and gas; amending further section 1 of Act No. 82-744, H. 105, 1982 Second Special Session (Acts 1982, p. 215), relating to the payment, use and distribution of net monies received by the county from such tax, so as to further define the provision in the Code of Alabama 1975, which authorizes the distribution of such monies to the county; providing for the distribution of monies previously received by Escambia County from such tax under general law pursuant to section 4 of the said Act No. 82-744; and amending section 4 of said Act No. 82-744 so as to provide that the monies received by Escambia County under such section after the effective date of this amendatory act shall be deposited in the general fund of the county.

Also:

H. 691. Providing that the district attorney of the twenty-first judicial circuit shall be reimbursed for certain contributions such district attorney is required to make under Act No. 88-921, S. 99 of the First Special Session of the Legislature in 1988.

Also:

H. 692. Relating to Escambia County, establishing the office of Chairman of the Escambia County Commission, requiring that the person elected to serve as such chairman serve full time, providing for the compensation of the Chairman of the Escambia County Commission and providing for retroactive effect.

Also:

H. 700. Relating to Chambers County; to provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of such county.

Also:

H. 739. Relating to Covington County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any services because of that person's inability to pay.

Also:

H. 762. Relating to Barbour County; authorizing the Barbour County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 413. Relating to the imposition of a license fee or tax by the Bullock County Commission upon any natural person on account of personal services rendered at a rate not to exceed one percent (1%) on gross receipts and compensation derived from salaries, wages, commissions and/or bonuses by anyone in Bullock County who is engaged in any trade occupation or profession for the purpose of providing tax revenue for the Bullock County Hospital; to provide for the permissive power and authority of the County Commission to impose, levy, collect and remove such tax; to provide for the imposition of fines, interest and penalties for the enforcement of the collection of the tax; to provide for the duty of withholding, reporting and remitting said tax imposed, upon the persons taxed and the employer; to provide for an advisory referendum on the question of the continued imposition of the tax; to provide for the power and authority of the County Commission to promulgate regulations for administration and enforcement of the tax.

Also:

H. 603. Relating to Limestone County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

Also:

H. 606. Relating to Marshall County; providing for an additional allowance, payable from the county general fund, for election officials who work in polling places; and repealing Act No. 80-334, H. 801, Regular Session 1980 (Acts 1980, Vol. I, p. 455) which provides for an expense allowance for election officials.

Also:

H. 674. Relating to Blount County; to amend Section 12 of Act No. 57 of the 1956 Regular Session (Acts 1956, p. 86) relating to levying a tax on gasoline, kerosene and diesel fuel so as to provide further for distribution.

Also:

H. 705. To further provide for voter reidentification by the Tuscaloosa County Board of Registrars and the Tuscaloosa County Commission; to provide further for the compensation and mileage of members of the board; to appropriate necessary county funds to implement the provisions of this act; and to provide that the provisions of this act shall be construed together with Sections 17-4-180 through 17-4-191, Code of Alabama 1975, as amended.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Carter, the Budget Isolation Resolution and the bill, H. 275, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McClain, Budget Isolation Resolution relating to H. B. 21, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Carter, Clark (W), Clay, Coburn, Cosby, Curry, Escott, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

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And the bill:

H. 21. To amend Sections 40-7-2, 40-7-19, 40-7-22 and 40-7-31 of the Code of Alabama 1975, relating to procedures for assessment of taxes, so as to change certain deadline dates relating to tax assessment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newton (C), Newton (D), Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Venable, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 845. Relating to Baldwin County; to amend Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to sustain them to provide for the support of the public schools of Baldwin County, so as to add a new section 10 which partially

suspends the tax so long as a certain sales tax, levied by ordinance, is effective.

TOMMY CARTER,
Chairman.

And the bill, H. 845 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 517. Relating to Henry County, amending Act No. 81-913, H. 7, 1981 First Special Session, which provides for an expense allowance for members of the county commission, so as to provide further for said allowance.

Also:

H. 567. Relating to Elmore County; providing further for additional costs and charges in all circuit and district court cases, excluding small claims division, and providing for the establishment of a juvenile court services fund in the county and for the distribution of monies in such fund.

Also:

H. 623. Relating to Sumter County, to disburse additional funds to the South Sumter County Development Authority from revenues generated by fees on waste storage or dumping and to include certain additional districts within the composition of said authority.

Also:

H. 685. Relating to Perry County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax laws, providing for the collection and distribution of the proceeds of such tax; providing for the enforcement of this act; and prescribing penalties for violation of this act.

Also:

H. 687. Relating to Perry County, providing further for an expense allowance for the chairman of the county commission.

Also:

H. 689. Pertaining to Jackson County, to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of their net earnings and for the utilization of the funds derived therefrom; to provide for the Jackson County Work Release and Pretrial Release Fund; to set standards for judicial officers in said county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety on bail bonds in Jackson County and to provide that certain acts by such persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Jackson County Work Release and Pretrial Release Commission; to provide for the membership of said commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pretrial release and work release programs in Jackson County; and to repeal conflicting laws.

Also:

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed

the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 523. Relating to Jackson County; authorizing and providing for the incorporation of the Jackson County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Jackson County Water Authority; permitting and authorizing merger of existing water systems or authorities with Jackson County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, as first priority, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages

and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

H. 702. Relating to Russell County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; and expressing legislative intent regarding said contracts.

Also:

H. 703. Relating to Russell County; levying a lodging tax; and providing for the collection and distribution of said tax.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 144, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Flowers, Ford, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Venable,

Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

And the bill:

H. 144. (With Substitute): To provide for continuing education programs for teachers and payment to public colleges and universities within the State of Alabama for tuition costs to provide for repayment for non-completion of courses and to provide for the Alabama Commission on Higher Education to promulgate rules and regulations regarding the application process and the approval and denial of such applications for degree advancement.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for financially assisted continuing education programs for certain teachers; to provide for financially assisted postsecondary education programs for certain residents in a course of study which will qualify said resident to teach in public elementary and secondary schools; to provide for the manner and means of paying for said financial assistance; to require the repayment of said funds by the programs' participants in certain instances; to require programs' participant to teach a certain number of years; to require certain reports to be filed with the legislature; to grant commission power to make necessary rules and regulations and to repeal Section 16-23-17 of the Code of Alabama 1975, which created the elementary teachers' scholarship fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions.

For the purpose of this act, these terms shall have the following meanings unless expressly stated otherwise within this act.

(a) COMMISSION. The Alabama Commission on Higher Education.

(b) COURSE OF INSTRUCTION IN HIS FIELD OR DISCIPLINE. Such term shall include additional graduate or undergraduate courses in either the applicant's area of certification or job assignment; additional graduate or undergraduate courses in pursuit of another area of certification required by job assignment; graduate courses in pursuit of a master's, specialist, or doctoral degree in the applicant's area of certification or job assignment; any coursework required of an applicant as a result of an unsatisfactory evaluation pursuant to direction from his employing school board.

(c) DEPARTMENT. The Alabama Department of Education.

(d) STATE. State of Alabama.

(e) **TEACHER.** Any full-time, four-year degreed, elementary or secondary classroom teacher, including special education teachers, who is regularly employed or on approved leave from a state-approved public elementary or secondary school and listed by the department's personnel reports as a certified teacher. For purposes of this act, "teacher" does not include ancillary personnel who do not hold Alabama teaching certificates, administrators, supervisors, or non-degreed support personnel.

(f) **TUITION.** For purposes of this act, tuition is defined as registration fee and building use fee per semester or quarter hour.

Section 2. The Commission shall adopt rules and regulations establishing a program of continuing education for degreed classroom teachers in state approved elementary and secondary schools in the state. Such rules and regulations shall include provisions under which a teacher may continue his education at a public college or university in the state, allowing such teacher to engage in a course of instruction in his field or discipline. The cost of tuition for said education shall be paid by the commission. The commission shall not expend funds to pay tuition for courses in theology or divinity.

Section 3. The commission shall adopt rules and regulations establishing a postsecondary tuition program for state residents. Participants in said program shall be required to enter an undergraduate course of study at a public college or university which will qualify them to teach at a state elementary or secondary school. The cost of tuition for said undergraduate education shall be paid by the commission. The commission shall not expend funds to pay tuition for courses in theology or divinity.

Section 4. The commission shall pay at the beginning of each academic term to the respective college or university one-half of the tuition cost of each participant in the education assistance programs prescribed herein. At the end of the academic term, upon notification of the completion of any course or courses pursued under the provisions of this act, the commission shall pay to each such college or university the remaining one-half tuition due. Funds for this purpose may come from state appropriations, federal grants, corporate grants and donations, individual grants and donations or any other source. The commission shall be authorized to accept all funds and property donated, granted, devised or bequeathed to it for the funding of said programs. The commission shall annually submit a report to both the House and Senate committees on education in the Alabama Legislature relative to any program or programs established pursuant to this act. Such report shall include but not be limited to the number of persons making application for education assistance, the number receiving such assistance, the type courses completed, the amount of tuition paid by the commission under such program or programs and an accounting of all grants, donations, gifts, devises and other funds received by the commission to be used in the operation of said programs.

Section 5. Each teacher or undergraduate participant shall present a written application to the commission and receive approval from the commission based on the rules and regulations adopted by the commission before entering into an education program. Such rules or regulations shall include certification from the department that the applicant meets the requirements of this act.

Section 6. At or prior to registration, any teacher or undergraduate participant in said programs shall be required to enter into a written agreement with the commission obligating said person to reimburse the commission

the tuition costs paid on his behalf if said person fails to comply with the provisions of this act.

Section 7. Except as provided in the rules and regulations of the commission, whenever any person participating in the program or programs prescribed herein is found to be ineligible or drops a course after the deadline for obtaining a full or partial tuition refund from the college or university, or otherwise fails to successfully complete a course, that person shall reimburse the commission for any monies allocated to that course and paid in his behalf pursuant to the provisions of this act, together with the cost of collection in the event timely reimbursement is not made in accordance with the rules and regulations adopted by the commission. The attorney general or any district attorney, upon request of the commission, shall collect all such obligations which are not timely paid on behalf of the commission.

Section 8. Every person participating in the program or programs prescribed herein shall enter into an agreement with the commission whereby he agrees to teach, immediately after participation in the program, in the public elementary or secondary schools of this state two full years for every full year or partial year in which he received financial assistance from the program. Said agreement shall be deemed a legal contract and shall be binding on the parties. Any breach of contract on the part of the person shall cause him to be immediately liable for all funds paid by the commission on his behalf plus interest at the rate of twelve percent (12%) per annum. The attorney general or any district attorney, upon request of the commission, shall institute proceedings in the name of the state for the purpose of recovering any amount due the state under the provisions of this act. Said recovered funds and interest shall be used by the commission for the operation of the programs prescribed herein. In the event death, total and permanent disability or extreme and unforeseen hardship prevents the person from fulfilling said agreement, repayment may be excused by the commission.

Section 9. In no event shall any person receiving retirement benefits under the state teacher's retirement system or any person owing reimbursement to the commission for monies paid in his behalf under this act be eligible for participation in the program described in this act.

Section 10. Section 16-23-17 of the Code of Alabama 1975, which established the elementary teachers' scholarship fund is hereby repealed. Provided however, any agreements or contracts created pursuant to said section shall remain in full force and effect and shall remain enforceable.

Section 11. The provisions of this act are severable. If any portion of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Escott, Flowers, Ford, Freeman, Gaston, Gray, Grouby, Hall,

Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 144 as amended:

To amend House Bill 144 as substituted on page 3 line 13 after the comma and on line 23 after the word "university" by adding the following:
"or any four year institution that has an accredited teacher education program and that participates in the Alabama Student Grant program,"

Further amend the bill on page 3 line 12 after the word "include" by adding the following:

"but not be limited to participant selection and"

Further amend the bill on page 3 line 21 after the period by adding the following:

"Said rules and regulations shall include but not be limited to participant selection."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

And the bill:

H. 144. To provide for financially assisted continuing education programs for certain teachers; to provide for financially assisted postsecondary education programs for certain residents in a course of study which will qualify said resident to teach in public elementary and secondary schools; to provide for the manner and means of paying for said financial assistance;

to require the repayment of said funds by the programs' participants in certain instances; to require programs' participant to teach a certain number of years; to require certain reports to be filed with the legislature; to grant the commission power to make necessary rules and regulations and to repeal Section 16-23-17 of the Code of Alabama 1975, which created the elementary teachers' scholarship fund.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 144:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Slaughter, Spratt, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 786. Relating to Covington County, to provide for a District Attorney's Fund for the Twenty-Second Judicial Circuit.

Also:

H. 792. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall

be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 76. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

Which was temporarily carried over on the thirteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—92

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (G), Budget Isolation Resolution relating to H. B. 539, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter,

Spratt, Starkey, Turner, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—87

And the bill:

H. 539. To permit an authorizing subdivision to exercise police powers on airport authority property; and to amend Section 4-3-47, Code of Alabama 1975, as amended, which pertains to the powers of an airport authority, to provide that jurisdiction over misdemeanors committed on the property of an airport authority shall be vested in the courts of any municipality that is an authorizing subdivision when no county is an authorizing subdivision.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—87

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution relating to H. B. 614, was adopted.

Yeas 82; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Layson, Lindsey, Marks, Mathis, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

And the bill:

H. 614. (With Substitute): To further amend Section 40-8-1, Code of Alabama 1975, as amended, relating to the assessment rate of ad valorem

taxes and definitions therefor, so as to include certain identifiable formula for inclusion of state historical buildings, places and sites.

Was taken up.

The question was on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further amend Section 40-8-1, Code of Alabama 1975, as amended, relating to the assessment rate of ad valorem taxes and definitions therefor, so as to include certain identifiable formula for inclusion of state historical buildings, places and sites.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-8-1, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

“§40-8-1.

“(a) On and after October 1, 1978, with respect to ad valorem taxes levied by the state, and, unless otherwise provided, with respect to ad valorem taxes levied by a county, municipality or other taxing authority other than the state, all taxable property shall be divided into the following classes and no other and shall be assessed for ad valorem tax purposes at the following ratios of assessed value to the fair and reasonable market value of such property, or, as may be provided by law, to the current use value of such property:

“Class I. All property of utilities used in the business of such utilities, 30 percent.

“Class II. All property not otherwise classified, 20 percent.

“Class III. All agricultural, forest and residential property, and historic buildings and sites, 10 percent.

“Class IV. All private passenger automobiles and motor trucks of the type commonly known as ‘pickups’ or ‘pickup trucks’ owned and operated by an individual for personal or private use and not for hire, rent or compensation, 15 percent.

“(b) As used herein, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) ALL PROPERTY OF UTILITIES. All property assessed for taxation by the Department of Revenue pursuant to the provisions of Chapter 21 of this title; provided, that after September 30, 1979, and only to the extent required by Title III, §306 of Pub. L. 94-210 (the Railroad Revitalization and Regulatory Reform Act of 1976, codified as 49 U.S.C. §26c), ‘transportation property,’ as that term is defined in the aforesaid statute, as heretofore or hereafter amended, or in any subsequent statute of similar import, shall not be assessed as Class I property.

“(2) ALL RESIDENTIAL PROPERTY. Only mobile homes and real property, used by the owner thereof exclusively as the owner’s single-family dwelling.

“(3) AGRICULTURAL AND FOREST PROPERTY. All real property used for raising, harvesting and selling crops or for the feeding, breeding, management, raising, sale of or the production of livestock, including beef cattle, sheep, swine, horses, ponies, mules, poultry, fur-bearing animals, honeybees and fish, or for dairying and the sale of dairy products, or for the growing and sale of timber and forest products, or any other agricultural or horticultural use or animal husbandry and any combination thereof.

“(4) ALL PROPERTY NOT OTHERWISE CLASSIFIED. All real and personal property which does not fall within any one or more of Classes I, III and IV.

“(5) ALL PRIVATE PASSENGER AUTOMOBILES AND MOTOR TRUCKS OF THE TYPE COMMONLY KNOWN AS ‘PICKUPS’ OR ‘PICKUP TRUCKS’ OWNED AND OPERATED BY AN INDIVIDUAL FOR PERSONAL OR PRIVATE USE AND NOT FOR HIRE, RENT OR COMPENSATION. All private passenger automobiles, as that term is defined in sections 40-12-240, subdivision (12), and 40-12-241; and all motor trucks of the type commonly known as ‘pickups’ or ‘pickup trucks,’ weighing not exceeding 8,000 pounds.

“(6) HISTORIC BUILDINGS AND SITES. Regardless of the use to which such property is put, all buildings or structures (i) listed in determined eligible by the state historic preservation officer for listing on the National Register of Historic Places; or (ii) located in a registered historic district and certified by the United States secretary of the interior as being of historic significance to the district.

“(7) MOBILE HOME. A structure, transportable in one (1) or more sections, and which is built on a permanent chassis, and not designed normally to be drawn or pulled on the highway except to change permanent locations, but is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems, if any, contained therein. It may be used as a place of residence, business, profession, trade or for any other purpose, by the owner, lessee, or assigns and may consist of one or more units that can be attached or joined together.

“(c) Wherever any statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provision shall mean as assessed for county or municipal taxes.

“(d) The following property shall be exempted from ad valorem taxation: the real and personal property of the state, counties and municipalities and real and personal property devoted exclusively to religious, education or charitable purposes. The property of Masonic lodges, Knights of Columbus homes and union halls shall be exempt when used exclusively for the purposes and business of such organizations. All property now exempt by law shall continue to be exempt from taxation until changed by law.

“(e) The Department of Revenue shall have authority to promulgate rules and regulations for the uniform identification and assessment of mobile homes.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Turner, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill, H. 614 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

BUDGET ISOLATION RESOLUTION

On motion of Rep. Ford, Budget Isolation Resolution relating to H. B. 450, was adopted.

Yeas 84; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham,

Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

And the bill:

H. 450. (With Amendment): To amend Section 5-17-8, Code of Alabama 1975, so as to grant to the Administrator of the Alabama Credit Union Administration the power to order a credit union to cease and desist from certain activities, to suspend individuals from participating in the affairs of a credit union and to establish procedures to appeal such orders to the Board of the Alabama Credit Union Administration; amends Section 5-17-18, Code of Alabama 1975, so as to prohibit late charges for any credit union loan not calculated on a simple interest basis; and amends the credit union laws so as to prohibit specific acts which would be prohibited if credit unions were subject to the prohibited acts provisions of state banking laws; providing penalties for violation of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend H. 450 on page 5, line 33, by inserting after the word "interest" the following:

and other finance charges

Further amend H. 450 on page 6, lines 4 through 6, by deleting the entire last sentence "~~As used herein, simple interest means charging a periodic interest rate on the unpaid balance for the period such balance is outstanding~~" and inserting in lieu thereof the following: As used herein, 'simple interest' means charging an interest rate on the unpaid balances of the amount outstanding from time to time for the actual time such balance is outstanding.

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Clay, Coburn, Colvin, Cosby, Crow, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

And the bill, H. 450 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—89

BUDGET ISOLATION RESOLUTION

On motion of Rep. Penry, Budget Isolation Resolution relating to H. B. 158, was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Gaston, Gray, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—85

CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 158.

And the bill:

H. 158. To amend Section 37-6-21 of the Code of Alabama of 1975 to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL),

Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. McDowell:

H. R. 318. MOURNING THE DEATH OF THE REVEREND DR. BEVERLY BROWN STROWDER OF BESSEMER, ALABAMA.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Higginbotham, Budget Isolation Resolution relating to H. B. 445, was adopted.

Yeas 96; Nays 0.

Yeas:

Reps. Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—96

And the bill:

H. 445. (With Substitute): To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of directors (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of directors of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified

beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislative intent of this act is to establish an educational trust fund through which many of the costs associated with attending a state college or university may be paid in advance and fixed at a guaranteed level for the full term of undergraduate enrollment. In establishing the trust fund, it is the intent of the legislature to encourage timely financial planning for higher education by the creation of prepaid tuition contracts and to encourage employer participation in such planning, and to provide assistance and incentives for the purchase of prepaid tuition contracts for the benefit of the children of the people of this state.

Section 2. This act shall be known as the "Alabama Prepaid College Tuition Act."

Section 3. The following terms shall have the meanings ascribed to them, unless the context clearly indicates otherwise:

(a) Prepaid Tuition Contract. A contract entered into by the board of trustees of the trust fund and a purchaser pursuant to this act.

(b) Trust Fund. The Alabama Prepaid College Tuition Trust Fund created pursuant to Section 6 of this act.

(c) Purchaser. A person who makes or is obligated to make advance payments in accordance with a prepaid tuition contract entered into pursuant to this act.

(d) Qualified Beneficiary. A resident of this state at the time a purchaser enters into a prepaid tuition contract on behalf of the resident.

(e) State College, University. Any state supported public two or four year college or university.

(f) Tuition. The quarter, semester or term charges imposed by a state college or university and all mandatory fees required as a condition of enrollment as determined by the board in its sole discretion.

(g) Board. The Board of Trustees of the Alabama Prepaid College Tuition Trust Fund as provided in Section 4 hereof.

(h) Outside Tuition Fee. The amount of tuition and/or fees payable to a college or university outside the state or independent institutions upon the election by a beneficiary to attend such institution. This fee shall generally be the amount of the average tuition costs and/or fees of state institutions of higher learning as determined by the board of Trustees on an annual basis.

Section 4. (a) The Board of Trustees of the Alabama Prepaid College Tuition Trust Fund shall consist of seven (7) members as follows:

The Executive Director of the Alabama Commission on Higher Education (ACHE), the Treasurer of the State of Alabama, The Chancellor of the Alabama Department of Postsecondary Education, each of whom shall serve ex officio; one (1) person appointed by the Speaker of the House of Representatives, and one (1) person appointed by the Lieutenant Governor, for initial terms of office of two (2) years each; one person appointed by the Treasurer for an initial term of office of three (3) years; and one (1) person appointed by the Governor for an initial term of office of four (4) years. Successors to the appointed members shall serve for terms of office of four years and shall be eligible for reappointment, and shall serve until a successor is appointed.

(b) Each trustee appointed shall possess knowledge, skill, and experience in business or financial matters commensurate with the duties and responsibilities of the trust fund; provided, however, that no person holding a full-time office or position of employment with the state, any county or municipality in the state, any educational institution, or any instrumentality, agency or subdivision of the foregoing, shall be eligible for appointment to the board.

(c) Members of the Board of Trustees shall serve without compensation, but shall be reimbursed for each day's official duties of the board at the same per diem and travel rate as is paid the employees of the state.

(d) The State Treasurer shall be the chairman and presiding officer of the board, and the board may appoint such other officers as the board may deem advisable or necessary. A majority of the members of the board shall constitute a quorum for the transaction of the business of the Trust Fund.

Section 5. In addition to the powers granted by any other provision of this act, the Board of Trustees shall have the powers necessary or convenient to carry out the purposes and provisions of this act, the purposes and objectives of the trust fund and the powers delegated by any other law or executive order including, but not limited to the following express powers:

(a) To adopt and amend bylaws;

(b) To adopt such rules and regulations as are necessary to implement the provisions of this act without compliance with the state administrative procedures statutes (Sections 41-22-1 through 41-22-27, Code of Alabama 1975, or any similar successor statute);

(c) To invest any funds of the trust fund in any instrument, obligation, security, or property determined appropriate by the board, and to name and use depositories for its investments and holdings;

(d) To execute contracts and other necessary instruments;

(e) to impose reasonable requirements for residency for qualified beneficiaries;

(f) To impose reasonable limits on the number of contract participants in the trust fund at any given period of time;

(g) To contract for necessary goods and services, to employ necessary personnel, and to engage the services of private persons for administrative and technical assistance in carrying out the responsibilities of the trust fund;

(h) To solicit and accept gifts, including bequeathments or other testamentary gifts made by will, trust or other disposition, grants, loans, and other aids from any personal source or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this act;

(i) To define the terms and conditions under which payments may be withdrawn from the trust fund and impose reasonable charges for such withdrawal;

(j) To impose reasonable time limits on the use of the tuition benefits provided by the program;

(k) To provide for the receipt of contributions to the trust fund in lump sums or installment payments; and

(l) To establish other policies, procedures and criteria necessary to implement and administer the provisions of this act.

As indicated in subsection (b) hereof, the board is hereby expressly exempt from the provisions of Sections 41-22-1 through 41-22-27, Code of Alabama 1975, or any similar subsequently enacted successor statute.

Section 6. (a) There is hereby created under the jurisdiction and control of the Board of Trustees the Alabama Prepaid College Tuition Trust Fund (hereinafter referred to as "the trust fund" or "the fund").

(b) The official location of the trust fund shall be the state treasurer's office, and the board shall use the facilities of the State Treasurer in the administration of the fund including but without limitation thereto, the keeping of records, the management of bank accounts and other investments, the transfer of funds, and the safekeeping of securities evidencing investments.

(c) Payments received by the board from purchasers on behalf of qualified beneficiaries or from any other source, public or private, shall be placed in the trust fund, and the fund may be divided into separate accounts as may be determined by the board.

(d) Assets of the trust fund may be invested in any instrument, obligation, security or property considered appropriate by the board and may be pooled for investment purposes with any other investment of the state which is eligible for asset pooling.

(e) The trust fund, through the board of trustees or its officer, employee or agent, is hereby specifically authorized to receive and deposit into the

trust fund any gift of any nature, real or personal property, made by any individual by testamentary disposition, including, without limitation, any specific gift or bequeath made by will, trust or other disposition.

(f) The board shall obtain appropriate actuarial assistance to establish a fund sufficient to defray the obligation of the trust fund, and shall annually evaluate or cause to be evaluated, the actuarial soundness of the trust fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, it may adjust the terms of subsequent prepaid tuition contracts to ensure such soundness.

(g) The property of the trust fund and its income shall be exempt from all taxation by this state or any of its political subdivisions.

Section 7. (a) The board, or its authorized officer, agent or employee, is hereby authorized to contract with a purchaser for the lump sum or installment prepayment of tuition costs by the purchaser for a qualified beneficiary to attend any state college or university to which the qualified beneficiary is admitted, without further tuition costs or mandatory fees.

(b) The prepaid tuition contract shall include, but shall not be limited to, the following terms:

(1) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary;

(2) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due;

(3) Provisions for late payment charges and for default;

(4) Provisions for withdrawal from the plan, including any penalty therefor;

(5) The name and date of birth of the qualified beneficiary on whose behalf the contract is drawn;

(6) Terms and conditions under which another person may be subsequently substituted for the qualified beneficiary originally named;

(7) The name of the person entitled to terminate the contract, and the terms and conditions under which a contract may be terminated, and the name of the person entitled to any refund due as a result of termination of the contract;

(8) The period of time during which the qualified beneficiary must claim benefits through the program;

(9) The number of credit hours contracted by the purchaser necessary for the granting of a four-year completed baccalaureate degree;

(10) All other rights and obligations of the purchaser and the trust; and

(11) Such other terms, conditions and provisions as the board considers in its sole discretion to be necessary or appropriate.

(c) In the event a qualified beneficiary elects not to attend a state college or university, and is accepted by any other institution of higher learning, the board shall, upon receipt of evidence of admission to said outside institution of higher learning, remit on a quarterly, semester, or term basis

as appropriate, an outside tuition fee amount pursuant to the terms of the contract.

(d) A prepaid tuition contract shall also specifically provide that, if after a specified period of time, the contract has not been terminated nor the qualified beneficiary's rights under the contract exercised, the board, after making reasonable effort to locate the purchaser and qualified beneficiary or the agent of either, shall retain the amounts otherwise payable and the rights of the qualified beneficiary, the purchaser or the agent of either shall be considered terminated.

(e) Nothing in this act nor in a prepaid tuition contract entered into pursuant to this act, shall be construed as a promise or guarantee by the board or the state that: a person shall be admitted to a state college or university or to a particular college or university; or that a person shall be allowed to continue to attend a state college or university after having been admitted; or that a person shall be graduated from a state college or university.

(f) The state or any state agency, or any county, or municipality, or any other employer in the state is hereby authorized, by contract, or otherwise, to agree with any employee to remit payments toward prepaid tuition contracts through payroll deduction made by the appropriate official of the state, state agency, political subdivision, or other employer.

Section 8. In addition to any other requirements of this act, the board of trustees shall:

(a) Make available summary information on the financial condition of the trust fund to all purchasers of prepaid tuition contracts;

(b) Prepare, or cause to be prepared, an annual accounting of the trust fund and transmit a copy of same to the Governor, the Lieutenant Governor and the Speaker of the House of Representatives; and

(c) Make all necessary and appropriate arrangements with state colleges and universities in order to fulfill its obligations under the prepaid tuition contracts, which arrangements shall include the payment by the trust fund of tuition and fee charges on behalf of a qualified beneficiary to the college or university.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham,

Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—95

And the bill:

H. 445. To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—97

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 445.

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim,

Laird, Layson, Lindsey, Marietta, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Higginbotham, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 446.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution relating to H. B. 446, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

And the bill:

H. 446. To further amend Section 41-14-33, Code of Alabama 1975, as amended, relating to time deposits, open accounts and annual rate of interest thereon, so as to further provide therefor and for 91 day and 26 week maturities and certain one year maturities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable,

Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—95

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 446:

Reps. Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Clay, Colvin, Cosby, Crow, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (L), Williams, Willis and Zoghby.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 323. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers with certain modifications; to amend Sections 34-14-2, 34-14-4, 34-14-5, 34-14-6, 34-14-7, 34-14-9, 34-14-10, 34-14-11, 34-14-30, and 34-14-31, Code of Alabama 1975, so as to prohibit practice of hearing aid dealers during grace period for license renewal; to specify the state board of health shall receive certain lists and statements; to specify the board determines qualifications of applicants for licensure; to remove specific examination subjects and allow a national examination; to require a continuing education program by the board by October 1, 1991; to phase out temporary licenses over an 36-month period; to specify certain disciplinary powers of the state board of health and to authorize administrative fines, and the institution of legal proceedings; to require a doctor's examination six months prior to hearing aid fitting for persons under age 18; to specify the state board of health's powers of revocation and suspension of licenses; to provide a consumer member of the board; and to authorize the board to adopt rules relating to adequacy of qualifications of applicants for licensure and for their examination.

Also:

H. 324. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Sections 34-25-2, 34-25-4, 34-25-5, 34-25-7, 34-25-21, 34-25-22, 34-25-23, 34-25-24, 34-25-25, 34-25-28, 34-25-32 and 34-25-36, Code of Alabama 1975, so as to define chairman of the board; reduce board members from 5 to 3 voting members and 2 advisory consultants; provide for employees of the board; transfer all functions, records, equipment, documents, funds and responsibilities of the board to the public safety department; create a polygraph examiners fund in the state treasury; provide purchases will be made pursuant to the state bid law; authorize the board to seek restraining court orders; provide surety bonds of licensees in an amount set by the

board; provide for applications for licensure to be made to the board and for fees for out-of-state applicants; authorize the board to issue internship licenses; require changes of address be given in writing to the board; provide for oral examinations of applicants; and authorize the board to revoke and restore licenses.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 690. Relating to the distribution of certain monies received by Escambia County from severance and privilege tax on oil and gas; amending further section 1 of Act No. 82-744, H. 105, 1982 Second Special Session (Acts 1982, p. 215), relating to the payment, use and distribution of net monies received by the county from such tax, so as to further define the provision in the Code of Alabama 1975, which authorizes the distribution of such monies to the county; providing for the distribution of monies previously received by Escambia County from such tax under general law pursuant to section 4 of the said Act No. 82-744; and amending section 4 of said Act No. 82-744 so as to provide that the monies received by Escambia County under such section after the effective date of this amendatory act shall be deposited in the general fund of the county.

Also:

H. 691. Providing that the district attorney of the twenty-first judicial circuit shall be reimbursed for certain contributions such district attorney is required to make under Act No. 88-921, S. 99 of the First Special Session of the Legislature in 1988.

Also:

H. 692. Relating to Escambia County, establishing the office of Chairman of the Escambia County Commission, requiring that the person elected to serve as such chairman serve full time, providing for the compensation of the Chairman of the Escambia County Commission and providing for retroactive effect.

Also:

H. 700. Relating to Chambers County; to provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of such county.

Also:

H. 739. Relating to Covington County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any services because of that person's inability to pay.

Also:

H. 762. Relating to Barbour County; authorizing the Barbour County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

Also:

H. 413. Relating to the imposition of a license fee or tax by the Bullock County Commission upon any natural person on account of personal services rendered at a rate not to exceed one percent (1%) on gross receipts and compensation derived from salaries, wages, commissions and/or bonuses by anyone in Bullock County who is engaged in any trade occupation or profession for the purpose of providing tax revenue for the Bullock County Hospital; to provide for the permissive power and authority of the County Commission to impose, levy, collect and remove such tax; to provide for the imposition of fines, interest and penalties for the enforcement of the collection of the tax; to provide for the duty of withholding, reporting and remitting said tax imposed, upon the persons taxed and the employer; to provide for an advisory referendum on the question of the continued imposition of the tax; to provide for the power and authority of the County Commission to promulgate regulations for administration and enforcement of the tax.

Also:

H. 606. Relating to Marshall County; providing for an additional allowance, payable from the county general fund, for election officials who work in polling places; and repealing Act No. 80-334, H. 801, Regular Session 1980 (Acts 1980, Vol. I, p. 455) which provides for an expense allowance for election officials.

Also:

H. 603. Relating to Limestone County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

Also:

H. 674. Relating to Blount County; to amend Section 12 of Act No. 57 of the 1956 Regular Session (Acts 1956, p. 86) relating to levying a tax on gasoline, kerosene and diesel fuel so as to provide further for distribution.

Also:

H. 705. To further provide for voter reidentification by the Tuscaloosa County Board of Registrars and the Tuscaloosa County Commission; to provide further for the compensation and mileage of members of the board; to appropriate necessary county funds to implement the provisions of this

act; and to provide that the provisions of this act shall be construed together with Sections 17-4-180 through 17-4-191, Code of Alabama 1975, as amended.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to H. B. 5, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—90

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 786. Relating to Covington County, to provide for a District Attorney's Fund for the Twenty-Second Judicial Circuit.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading

at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

MOTION TO TEMPORARILY CARRY OVER

On motion of Rep. Starkey, the bill, H. 5, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Freeman, Budget Isolation Resolution relating to H. B. 494, was adopted.

Yeas 68; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Breedlove, Britnell, Brooks, Burke, Buskey (JL), Carothers, Carter, Clay, Coburn, Colvin, Cosby, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Newman, Newton (C), Newton (D), Parker, Penry, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Wright and Zoghby.

—68

Nays: Reps. Gray, Hill, Hogan, Holley and Payne.

—5

And the bill:

H. 494. To amend Section 33-5-17, Code of Alabama 1975, as last amended, relating to classification of vessels and registration fees, so as to increase certain registration fees; and to provide that certain amounts of said fees shall be dedicated to and utilized for the repair of public boat ramps and launching areas.

Was taken up.

AMENDMENT OFFERED

Rep. Biddle offered the following amendment to the bill, H. 494:

Amend H. B. 494 on page 2, Section 1, line 23 by adding after the word areas the following:

or the construction of new boat ramps

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Coburn,

Colvin, Cosby, Curry, Davis, Dillard, Escott, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Newman, Newton (C), Newton (D), Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Wright and Zoghby.

—70

Nays: Reps. Crow, Ford, Hill, Hogan, Holley, Starkey and Willis.

—7

And the bill, H. 494 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 22.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Davis, Dillard, Escott, Freeman, Gaston, Grayson, Grouby, Hall, Harvey, Haynes, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McMillan, Mikell, Newman, Newton (C), Newton (D), Penry, Petelos, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (F), White (G), White (L), Williams, Wright and Zoghby.

—60

Nays:

Reps. Adams, Biddle, Bowling, Brooks, Buskey (JE), Coburn, Cosby, Crow, Curry, Flowers, Ford, Gray, Headley, Hill, Hogan, Holley, Johnson (RW), McDowell, McKee, Payne, Warren and Willis.

—22

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution relating to H. B. 592, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—82

And the bill:

H. 592. (With Substitute): To amend Section 37-6-3(10) of the Code of Alabama of 1975 to clarify the power of rural electric cooperatives to

acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Agriculture, Forestry and Natural Resources, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 37-6-3 of the Code of Alabama 1975, relating to the powers of rural electric cooperatives, so as to authorize cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 37-6-3 of the Code of Alabama 1975, is hereby amended to read as follows:

“§37-6-3.

“A cooperative shall have the power:

“(1) To sue and be sued in its corporate name.

“(2) To adopt a corporate seal and alter the same at its pleasure.

"(3) To generate, manufacture, purchase, acquire and transmit electric energy and to distribute, sell, supply and dispose of electric energy to its members, to governmental agencies and political subdivisions and to other persons not in excess of 10 percent of the number of its members; provided, however, that should a cooperative acquire any electric facilities dedicated or devoted to the public use, it may, for the purpose of continuing service and avoiding hardship and to an extent which, together with all other persons served by the cooperative on a nonmember basis, shall not exceed 40 percent of the total number of persons served by the cooperative, continue to serve the persons served directly from such facilities at the time of such acquisition without requiring that such persons become members, and, provided further, that such nonmembers shall have the right to become members upon non-discriminatory terms.

"(4) To process, treat, sell and dispose of water and water rights and to purchase, construct, own and operate water systems and to supply water services.

"(5) To purchase, construct, own and operate sanitary sewer systems and supply sewer services.

"(6) To purchase, construct, own and operate systems and facilities for providing television reception services through the use of television program decryption equipment and subscriber owned, leased or rented satellite dishes, but such equipment shall not be utilized for the bi-directional transmission of voice, data or other signal.

"(7) To make loans to persons to whom electric energy, water, sanitary sewer or television reception services through the use of television program decryption equipment and subscriber owned, leased or rented satellite dishes is or will be supplied by the cooperative for the purpose of, and otherwise to assist such persons in, wiring their premises and installing therein electric, water, sanitary sewer and plumbing fixtures, appliances, apparatus and equipment of any and all kinds and character or to make loans to or assist such persons in constructing, maintaining and operating electric refrigeration plants, and, in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such electric, water, sanitary sewer, plumbing, and television reception services through the use of television program decryption equipment and subscriber owned, leased or rented satellite dishes, fixtures, appliances, apparatus and equipment.

"(8) To accept, or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor. To make loans to persons to whom electric energy, water and sanitary sewer service is or will be supplied by the cooperative for the purpose of, and otherwise to assist such persons in constructing, maintaining and operating electric refrigeration plants.

"(9) To become a member of one or more other cooperatives and to acquire, hold and dispose of and exercise any power or right with respect thereto or with respect to the shares or other interests in, or obligations of other public or private domestic or foreign corporations, associations, partnerships or individuals.

"(10) To construct, purchase, take, receive, lease as lessee or otherwise acquire, and to own, hold, use, equip, maintain and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge or otherwise dispose of or encumber electric transmission and distribution lines

or systems, electric generating plants, electric refrigeration plants, water lines, sanitary sewer lines, water systems and sanitary sewer systems, television reception equipment through the use of television program decryption equipment and subscriber owned, leased or rented satellite dishes, lands, buildings, structures, dams, plants and equipment and any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the cooperative was organized or in which it subsequently lawfully engages.

"Electric generating plants, transmission and distribution lines or systems shall include any arrangement or agreement for the purchase, exchange or transmission of electric power, capacity or energy, whether sole or as joint owner of all or any part in common with one or more persons as agent, or as principal, and shall include ownership of an undivided interest in facilities with any other person. Any agreement with respect to such facilities may include provisions for the construction, operation and maintenance of electric generation, distribution or transmission facilities by any one or more of the parties to the agreement or by any other means which may be determined by the parties thereto, and may include provisions for a method or methods of determining and allocating, among or between the parties, costs of construction, operation, maintenance, renewals, replacements, improvements, retirement and disposals with respect to the facility and the entitlement of the joint owners to the production capability or utilization of the facilities including allocation of costs in the event of default on the part of one or more joint owners and the payment of all such costs as provided in the agreement. Any such agreement shall supersede any provision of law to the contrary relating to the rights of joint owners of property and relating to the use of property, title to which is held by the cooperative jointly with others and, notwithstanding anything contained in any other law to the contrary, pursuant to the terms of any agreement authorized in this subdivision, the cooperative may delegate any and all of its powers and duties with respect to the construction, operation, maintenance, renewal, replacement, improvement, retirement or disposal of electric generation, distribution or transmission facilities to the party or parties acting as agent, managing partner, managing co-owner or the party otherwise given such responsibility or authority pursuant to the agreement and all actions taken by such other party in accordance with the provisions of the agreement may be binding upon the cooperative without further action or approval by the cooperative. Such agreements may provide for purchase, acquisition and ownership of project capability or amounts of electric capacity and energy, if any, which a project is capable of producing at any particular time (including times when the project is incomplete or not operable or not operating or the operation thereof is suspended, interrupted, interfered with, reduced or curtailed in whole or in part for any reason whatsoever) and may provide for the payment of proportional shares of costs of the project, including debt service and deposits for reserves and contingencies as directed or established by the project manager and including increases in such payments to cover project costs upon the default of any participant and to enter into agreements requiring payments by the cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return for such payments and irrespective of whether the cooperative acquires any ownership interest in any tangible physical property.

"(11) To purchase or otherwise acquire and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate or otherwise dispose of or encumber franchises, rights, privileges, licenses, rights-of-way and easements.

"(12) To borrow money and otherwise contract indebtedness and to issue notes, bonds and other evidences of indebtedness therefore, and to secure the payment thereof by mortgage, pledge, deed of trust or any other encumbrance upon any or all of its then owned or after acquired real or personal property, assets, franchises, revenues or income.

"(13) To make any and all contracts necessary or convenient for the full purpose of the powers in this chapter granted, including, but not limited to, contracts with any person, federal agency or municipality for the purchase or sale of electric energy, water, water and sanitary sewer services or television reception services through the use of television program decryption equipment and subscriber owned, leased or rented satellite dishes and in connection with any such contract to stipulate and agree to such covenants, terms and conditions as the board of trustees may deem appropriate, including covenants, terms and conditions with respect to resale rates, financial and accounting methods, services, operation and maintenance practices and, consistent with section 37-6-20, the manner of disposing of the revenues of the properties operated and maintained by the cooperative.

"(14) To construct, acquire, maintain and operate electric transmission and distribution lines, water lines, sewer lines and television reception systems and equipment through the use of television program decryption equipment and subscriber owned, leased or rented satellite dishes along, upon, under and across all public thoroughfares, including without limitation all roads, highways, streets, alleys, bridges and causeways and upon, under and across all publicly owned lands; provided, however, that the respective authorities having jurisdiction thereof shall consent thereto.

"(15) To exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric generating, transmission or distribution lines or systems; and, in the construction and operation of water systems and sanitary sewer systems and television reception systems through the use of television program decryption equipment and subscriber owned, leased or rented satellite dishes, to exercise the power of eminent domain in the manner provided in Title 18.

"(16) a. A cooperative shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, action, suit or proceeding, whether civil, criminal, administrative or investigative, including appeals (other than an action by or in the right of the cooperative), by reason of the fact that he is or was a director, trustee, officer, employee or agent of the cooperative, or is or was serving at the request of the cooperative as a director, trustee, officer, partner, employee or agent of another cooperative, corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such claim, action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the cooperative or other entity, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any claim, action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the cooperative, and with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

"b. A cooperative shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, action or suit by or in the right of the cooperative to procure a judgment in its favor by reason of the fact that he is or was a director, trustee, officer, employee or agent of the cooperative, or is or was serving at the request of the cooperative as a director, officer, partner, employee or agent of another cooperative, corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the cooperative or other entity and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the cooperative or other entity unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which court shall deem proper.

"c. To the extent that a director, trustee, officer, employee or agent of a cooperative or other entity has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in paragraphs a. and b. of this subdivision, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith, notwithstanding that he has not been successful on any other claim, issue or matter in any such action, suit or proceeding.

"d. Any indemnification under paragraphs a. and b. of this subdivision (unless ordered by a court) shall be made by the cooperative only as authorized in the specific case upon a determination that indemnification of the director, trustee, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in paragraphs a. and b. of this subdivision. Such determination shall be made (i) by the board of directors or trustees by a majority vote of a quorum consisting of directors or trustees who were not parties to, or who have been wholly successful on the merits or otherwise with respect to, such claim, action, suit or proceeding, or (ii) if such a quorum is not obtainable, or, even if obtainable, a quorum of disinterested directors or trustees so directs, by independent legal counsel in a written opinion, or (iii) by the shareholders.

"e. Expenses (including attorneys' fees) incurred in defending a civil or criminal claim, action, suit or proceeding may be paid by the cooperative in advance of the final disposition of such claim, action, suit or proceeding as authorized in the manner provided in paragraph a. of this subdivision upon receipt of an undertaking by or on behalf of the director, trustee, officer, employee or agent to repay such amount if and to the extent that it shall be ultimately determined that he is not entitled to be indemnified by the cooperative as authorized in this section.

"f. The indemnification authorized by this section shall not be deemed exclusive of and shall be in addition to any other right (whether created prior or subsequent to the enactment of this section) to which those indemnified may be entitled under any statute, rule of law, provisions of articles of incorporation, bylaw, agreement, vote of members or shareholders or disinterested directors or trustees, or otherwise, both as to action in his

official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, trustee, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

"g. A cooperative shall have power to purchase and maintain insurance on behalf of any person who is or was a director, trustee, officer, employee or agent of the cooperative, or is or was serving at the request of the cooperative as a director, trustee, officer, partner, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the cooperative would have the power to indemnify him against such liability under the provisions of this section.

"(17) To conduct its business and exercise any or all of its powers within or without this state.

"(18) To adopt, amend and repeal bylaws.

"(19) To do and perform any and all other acts and things and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purposes for which the cooperative is organized or in which it subsequently lawfully engages.

"(20) To provide its members and other persons services solely for the reception of television programming through the use of television program decryption equipment and subscriber owned, leased or rented satellite dishes, but such equipment shall not be utilized for the bi-directional transmission of voice, data or other signal."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Gaston, Gray, Grouby, Hamilton, Hammett, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Marietta, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—80

And the bill:

H. 592. To amend Section 37-6-3 of the Code of Alabama 1975, relating to the powers of rural electric cooperatives, so as to authorize cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the

contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis Wright and Zoghby.

—89

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution relating to H. B. 91, was adopted.

Yeas 88; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

And the bill:

H. 91. To provide for uniform federal lien registration; to provide for the registration of federal tax liens and other liens; to provide for the place

of filing; to provide for the duties of the filing officer; to provide for filing, indexing and other fees payable to the filing officer; to provide for severability of the provisions of this act; to provide for the repeal of Section 35-11-40 and Section 35-11-41, Code of Alabama 1975, relating to filing of notices of tax liens of the United States, and for the amendment or repeal of conflicting provisions of law; and to provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—92

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 420, was adopted.

Yeas 79; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—79

And the bill:

H. 420. To further provide for deductions from the salaries of state employees for employee organizations under certain conditions.

Was taken up.

AMENDMENT OFFERED

Rep. Knight offered the following amendment #1 to the bill, H. 420:

Amend House Bill 420, Section 1, Page 1, Line 32, after the word "writing by (striking) the following:

within 10 days of the next succeeding yearly period

AMENDMENT TABLED

On motion offered by Rep. Gray, the amendment #1 offered by Rep. Knight to the bill, H. 420, was tabled.

Yeas 80; Nays 5.

Yeas:

Reps. Adams, Beasley, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Crow, Curry, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—80

Nays: Reps. Beers, Brooks, Knight, Payne and White (G).

—5

AMENDMENT OFFERED

Rep. Knight offered the following amendment #2 to the bill, H. 420:

Amend H. B. 420 on page 1, Section 1, line 32 by striking after the word within the following: 10

AMENDMENT TABLED

On motion offered by Rep. White (L), the amendment #2 offered by Rep. Knight to the bill, H. 420, was tabled.

Yeas 73; Nays 8.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Crow, Curry, Davis, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (D), Parker, Penry, Perdue, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—73

Nays:

Reps. Beers, Brooks, Grayson, Knight, Mikell, Payne, Sanderford and White (G).

—8

And the bill was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 420:

Reps. Adams, Beers, Bowling, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Carter, Clark (W), Clay, Colvin, Crow, Curry, Davis, Escott, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grouby, Hamilton, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, McClain, McDowell, Melton, Mikell, Moon, Newman, Newton (D), Parker, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 792. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 144. To provide for financially assisted continuing education programs for certain teachers; to provide for financially assisted postsecondary education programs for certain residents in a course of study which will qualify said resident to teach in public elementary and secondary schools; to provide for the manner and means of paying for said financial assistance; to require the repayment of said funds by the programs' participants in certain instances; to require programs' participant to teach a certain number of years; to require certain reports to be filed with the legislature; to grant the commission power to make necessary rules and regulations and to repeal Section 16-23-17 of the Code of Alabama 1975, which created the elementary teachers' scholarship fund.

TOMMY CARTER,
Chairman.

And the bill, H. 144 as engrossed, was ordered sent to the Senate.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Breedlove, Budget Isolation Resolution relating to H. B. 17, was adopted.

Yeas 82; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

And the bill:

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to

regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Larid, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 17:

Reps. Beasley, Burke, Butler, Carter, Colvin, Escott, Ford, Fuller, Gaston, Harvey, Headley, Hill, Hogan, Holley, Hooper, Kvalheim, Layson, Lindsey, McMillan, Moon, Newman, Newton (D), Penry, Perdue, Rains, Richardson, Sanderford, Spratt, Turner, Warren, White (F), White (L) and Williams.

H. 5 TAKEN UP

And the bill:

H. 5. To amend Section 16-25-13.1, Code of Alabama 1975, which provides for the purchase of credit for service at Athens State College and the state junior colleges, so as to authorize such purchase for certain former employees.

Was taken up.

AMENDMENT OFFERED

Rep. Starkey offered the following amendment to the bill, H. 5:

Amend H. B. 5, Section 1, page 2, line 3 by striking the words: ~~then~~ earnable and substituting in lieu thereof the word: present

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 40; Nays 0.

Yeas:

Reps. Beasley, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Clay, Coburn, Crow, Escott, Gaston, Grayson, Grouby, Hamilton, Hammett, Hill, Hogan, Holley, Hooper, Johnson (RW), Kvalheim, Laird, Layson, Marietta, Mathis, Melton, Newton (C), Richardson, Sanderford, Spratt, Thomas, Venable, White (F), White (L), Willis and Wright.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 5 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 5.

Yeas:

Reps. Beasley, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Clark (W), Clay, Colvin, Crow, Dillard, Escott, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, Melton, Moon, Newman, Newton (C), Poole, Richardson, Sanderford, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (L), Williams, Willis and Wright.

—55

Nays: Reps. Bowling, Ford, Hamilton, Knight and Mikell.

—5

RESOLUTIONS

The following resolutions were introduced:

By Rep. Blake:

H. J. R. 319. CONGRATULATING THE PELL CITY HIGH SCHOOL LADY PANTHERS ON THEIR OUTSTANDING 1989 BASKETBALL SEASON.

WHEREAS, it is with great pleasure that the Legislature of Alabama extends congratulations to the Pell City High School Lady Panthers on their outstanding 1989 basketball season and their phenomenal 29-2 overall season record, including a 27-game winning streak; and

WHEREAS, the Pell City Ladies include among their accomplishments the runner-up position in the St. James High School Thanksgiving Tournament, the Big Orange Classic and Area Championships, and winner of Substate Segment Three; and

WHEREAS, under Head Coach Larry Slater and Assistant Coach Joe Fuller, the fantastic Lady Panthers are Erica Collins, Danielle Fields, Tonya Tice and April Hughes along with their teammates Melissa Purvis, Misty Fuller, Wendy Ely, Lauren Sippola, Brooke Jolley, Niki Golden, Kelly Hazelwood and Larisa Posey; and

WHEREAS, serving as team managers were Becky Harris, Kelly Harris, Amanda Tice and Rick Hughes; serving as scorekeeper was Amy Golden, and Lydia Hughes was team statistician; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate the Pell City High School Lady Panthers on the many outstanding accomplishments of the 1989 season, and direct that copies of this resolution be forwarded to Coach Slater for appropriate presentation and display.

On motion offered by Rep. Blake, the rules were suspended and the resolution, H. J. R. 319, was adopted.

Also:

By Rep. Blake:

H. J. R. 320. COMMENDING COACH LARRY SLATER OF PELL CITY HIGH SCHOOL.

WHEREAS, Larry Slater, in his two years at Pell City High School, has directed the Lady Panthers Basketball Team to a fantastic 26-1 record in 1988 and 29-2 in 1989, for an unbelievable 55-3 overall two-year record; and

WHEREAS, Head Coach Larry Slater's 1988 team made a clean sweep of the championships, winning the Saint Clair County, Area and State Class 5A Tournaments; and

WHEREAS, in 1989, the Lady Panthers were ranked number one throughout the season and, despite one of the toughest schedules in the state, Coach Slater's Area 9 Champs made it to the Final Four for the second straight year, before bowing to a powerful and unbeaten Williamson High School team; and

WHEREAS, we further note that under Coach Slater's talented leadership, several of his Lady Panthers have achieved All-Metro, All-County, All-Area and All-State honors, as well as other distinctions including Birmingham News 1st and 2nd teams; 1st and 2nd All-State teams; All County, All-Area and State Tournament MVP; ESPN Scholastic Sports Honor Roll; All-State Scholarship; and Metro Player of the Year, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and a distinguished professional career, we hereby most highly commend Coach Larry Slater of Pell City High School, and do further direct that he receive a copy of this resolution of sincere warm praise and esteem.

On motion offered by Rep. Blake, the rules were suspended and the resolution, H. J. R. 320, was adopted.

Also:

By Reps. Buskey (JE), Clark (W), and Kennedy:

H. J. R. 321. COMMENDING THE JOHN L. LEFLORE BASKETBALL TEAM ON THE 1989 STATE CLASS 6A BOYS BASKETBALL CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama extends congratulations to the John L. LeFlore Rattlers on the 1989 State Class 6A Boys Basketball Championship; and

WHEREAS, the LeFlore Rattlers, who went into the State Playoffs top-ranked and hungry for their second state title in four years, were matched with third-ranked J. O. Johnson of Huntsville in round one; and

WHEREAS, after polishing off Johnson, the LeFlore cagers beat fourth-ranked Central High of Tuscaloosa, who had disposed of the Rattlers in the '88 Playoffs; and

WHEREAS, Coach Johnny Shelwood, Assistant Coach I. D. Antone and their venomous snakes then faced in-town rival McGill-Toolen in the title tilt, and a hard-fought 50-47 victory gave LeFlore the State 6A Crown; and

WHEREAS, the 6A Champion Rattlers are Captain Antonio Lang (Mobile Player of the Year, State Tournament MVP and the only non-senior to be named to the Starting Five of the All-State Team); Angelo Hamilton and Vernon Oliver (All-State Team); along with their talented teammates Kendal Allen, Michael Chestang, Clifton Cooper, Oscar Daniels, Christopher Laurence, Terriell Mullen, Ashby Pauley, Kenneth Rush, Warren Russell, Ross Sylvester, Christopher Williams, and Arvin Trotter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and as Alabama's 1989 State Class 6A Basketball Champions, we hereby most highly commend Mobile's LeFlore High School Rattlers, and do further direct that copies of this resolution be forwarded to Principal F. A. Marshall and Athletic Director W. N. Jessie for appropriate presentation and school display.

On motion offered by Rep. Buskey (JE), the rules were suspended and the resolution, H. J. R. 321, was adopted.

Also:

By Reps. Buskey (JE), Clark (W), and Kennedy:

H. J. R. 322. COMMENDING COACH JOHNNY SHELWOOD OF LEFLORE HIGH SCHOOL, MOBILE, ALABAMA.

WHEREAS, in highest commendation, the Legislature of Alabama congratulates Coach Johnny Shelwood of Mobile's LeFlore High School on his selection by the Birmingham News as State Basketball Coach of the Year for 1989; and

WHEREAS, for Coach Shelwood, this was his second time to be named Coach of the Year and he also was selected, for the ninth time in his career, Mobile Coach of the Year by the Mobile Basketball Coaches Association; and

WHEREAS, a veteran of 25 years at LeFlore (formerly Toulmanville High School), Coach Shelwood holds a career record of 375-217 during his accomplished tenure and, this year, directed his Rattlers to LeFlore's second State Championship in four years; and

WHEREAS, Coach Johnny Shelwood, a graduate of Dillard University with the Bachelor's degree and of Indiana University where he earned his Master's degree, is indeed to be praised for outstanding accomplishment and to be most heartily congratulated on his Coach of the Year honors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of notable professional achievement, we hereby most highly commend Coach Johnny Shelwood of LeFlore High School, Mobile, Alabama, for whom a copy of this resolution of honor and esteem shall be provided.

On motion offered by Rep. Buskey (JE), the rules were suspended and the resolution, H. J. R. 322, was adopted.

Also:

By Rep. Johnson (RW):

H. J. R. 323. DESIGNATING "WORKERS MEMORIAL DAY" IN ALABAMA.

WHEREAS, every year more than 10,000 American workers are killed while working on the job—one every 40 minutes—and tens of thousands more are permanently disabled from job related injuries; and

WHEREAS, another 100,000 workers die annually from cancer, lung diseases and other diseases related to toxic chemical exposure in the workplace; and

WHEREAS, among many of the more recent tragedies are the January 1986 explosion of the Challenger spacecraft, resulting in the death of all seven American astronauts aboard, and the April 1987 collapse of a thirteen story building in Bridgeport, Connecticut in which 28 construction workers were killed; and

WHEREAS, in April 1988, rapid decompression peeled the ceiling of a commercial airline, sweeping a flight attendant to her death; in November 1988, three workers were killed on a Milwaukee tunnel project due to a methane gas explosion; also in November 1988, six firefighters were killed in an explosion at a Kansas City construction site; and

WHEREAS, the Concerned Americans are determined to help prevent such tragedies as these by organizing a Workers Memorial Day to remember the victims of workplace injuries and disease, and to thereby focus public awareness on the thousands of needless and preventable deaths occurring each year in our country; and

WHEREAS, Concerned Americans also are renewing efforts to seek stronger safety and health prevention measures for our workers, better standards, and fair and just compensation for job related death, disease and injury; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate April 28,

1989, the anniversary of the Occupational Safety and Health Act of 1970, as "Workers Memorial Day" in the State of Alabama.

On motion offered by Rep. Johnson (RW), the rules were suspended and the resolution, H. J. R. 323, was adopted.

Also:

By Rep. Beasley:

H. J. R. 324. MOURNING THE DEATH OF MR. ANDREW BOYER RUDD OF DOTHAN, ALABAMA.

WHEREAS, in sentiment of deep sadness and regret, the Legislature of Alabama records the death of Andrew Boyer Rudd of Dothan, Alabama, on March 26, 1989, at the age of 76 years; and

WHEREAS, a native of Enterprise, Mr. Rudd had been a resident of Dothan since 1946; he was a retired special agent for the Internal Revenue Service and a veteran of World War II having served in the U.S. Coast Guard; and

WHEREAS, among his numerous and notable civic and charitable contributions he was a Mason, a 33rd Degree Inspector General Honorary, a member of the Dothan York Rite Bodies where he received all the degrees, a member of the Alcazar Shrine and a member of the First Baptist Church; and

WHEREAS, he exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS, Mr. Rudd gained the respect and fond feelings of those who knew him whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend sincere and deepest sympathy to Mr. Rudd's loving and devoted wife, Louise; his three sons, Mack, Tommy and Rodney Rudd; his daughter, Janice Herndon; and other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion offered by Rep. Beasley, the rules were suspended and the resolution, H. J. R. 324, was adopted.

Also:

By Reps. Cosby and Zoghby:

H. J. R. 325. CONGRATULATING MARGARET "MAGGIE" HICKS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Margaret "Maggie" Hicks, a resident of Selma, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, "Maggie" Hicks, a member of Queen of Peace Church, has been active in her parish; she has served on the boards of the Mobile district and the Archdiocesan Council of Catholic Women, as well as other church, civic and charitable organizations, and her life has been faith filled in service to others for the betterment of her church and community; and

WHEREAS, "Maggie" Hicks has so unselfishly given her talents, time and energies and her good cheer which have earned the high esteem of many, and her presence in our community has been an inspiration for others to reach out to the needs of others and her life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Margaret Hicks, Selma, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Margaret Hicks, Selma, Alabama, so that she may know of our high esteem and deep appreciation.

On motion offered by Rep. Cosby, the rules were suspended and the resolution, H. J. R. 325, was adopted.

Also:

By Reps. Cosby and Zoghby:

H. J. R. 326. CONGRATULATING OLA BLEVINS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Ola Blevins, a resident of Selma, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Ola Blevins, a member of Queen of Peace Church, has been active in her parish; she has served on the boards of the Mobile district and the Archdiocesan Council of Catholic Women, as well as the Red Cross, and other civic and charitable organizations, and her life has been faith filled in service to others for the betterment of her church and community; and

WHEREAS, Ola Blevins has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an inspiration for others to reach out to the needs of others and her life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Ola Blevins, Selma, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Ola Blevins, Selma, Alabama, so that she may know of our high esteem and deep appreciation.

On motion offered by Rep. Cosby, the rules were suspended and the resolution, H. J. R. 326, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hammett, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 854.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to H. B. 854, was adopted.

Yeas 63; Nays 0.

Yeas:

Reps. Adams, Beasley, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clay, Colvin, Crow, Davis, Dillard, Escott, Flowers, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Headley, Hill, Hogan, Holley, Hooper, Johnson (RW), Kvalheim, Laird, Lindsey, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (L), Willis and Zoghby.

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And the bill:

H. 854. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and distribution of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended, to provide (in certain cases) for the distribution of less than all such net income if and to the extent specified in the certificate of incorporation of a gas district, and to provide that the inclusion in any such certificate of incorporation of provisions authorizing the distribution of less than all such net income shall operate both prospectively and retrospectively.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Reps. Beasley, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Davis, Dillard, Escott, Flowers, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Headley, Hill, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (L), Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Mathis, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 26.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution relating to H. B. 26, was adopted.

Yeas 59; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clay, Colvin, Crow, Davis, Dillard, Escott, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Parker, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Venable, Warren, White (F), Willis and Zoghby.

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And the bill:

H. 26. (With Amendment): To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Agriculture, Forestry and Natural Resources, said committee amendment being as follows:

Amend H. B. 26, Page 2, Section 1, Line 20 after the words ~~semitrailer trucks~~ by striking ~~truck and~~ and on Line 21 by striking ~~semitrailer combinations~~ and inserting in lieu thereof the following: truck-semitrailer combination

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Davis, Dillard, Escott, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Parker, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), Williams, Willis and Zoghby.

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And the bill, H. 26 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Curry, Davis, Dillard, Escott, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW),

Kennedy, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton (C), Parker, Poole, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), Williams, Willis and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Reps. Holley and Zoghby:

H. J. R. 327. CONGRATULATING JUNE SMITH, ENTERPRISE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, June Smith, a resident of Enterprise, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, June Smith, a member of Saint John's Church, has been active in her parish; she serves on the boards of the Dothan deanery and the Archdiocesan Council of Catholic Women, as well as other civic and charitable organizations and her life has been faith filled in service to others for the betterment of her church and community; and

WHEREAS, June Smith has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an inspiration for others to reach out to the needs of others and her life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady June Smith, Enterprise, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. June Smith, Enterprise, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 327, was adopted.

H. 275 TAKEN UP

And the bill:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to submit said Plan to the legislature not later than the fifth legislative day of the 1991 regular session; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act.

Which was previously temporarily carried over was taken up.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:46 P.M. on April 4, 1989.

H. 199. (Executive Amendment)

H. 316

H. 321

Delivered to the Governor at 4:54 P.M. on April 4, 1989.

H. 327

H. 687

H. 517

H. 689

H. 567

H. 523

H. 623

H. 702

H. 685

H. 703

Delivered to the Governor at 5:51 P.M. on April 4, 1989.

H. 323

H. 762

H. 324

H. 413

H. 690

H. 606

H. 691

H. 603

H. 692

H. 674

H. 700

H. 705

H. 739

H. 786

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holley, the House adjourned until 10:00 o'clock a.m., Thursday, April 6, 1989.

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SEVENTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 6, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Kirby Smith, Millbrook Presbyterian Church, Millbrook, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Floyd Conyers, Elmore, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the sixteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixteenth legislative day was approved.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 445. To create the Alabama Prepaid College Tuition Trust Fund (the Fund) and a board of trustees (the board) to administer the fund and implement the provisions of this act; to declare legislative intent; to name this act the "Alabama Prepaid College Tuition Act"; to provide definitions; to provide for the membership, terms of office, qualifications, reimbursement, meetings, powers, duties and responsibilities of the board of trustees of the trust fund; to grant broad powers necessary to implement this act; to authorize investments by the board; to provide for the location and administration of the trust fund; to authorize prepaid college tuition contracts between the board and individuals for the benefit of qualified beneficiaries in order to receive college or university education; to provide for the terms of such contracts and the rights of parties to such contracts; to provide for payroll deductions for such contracts; and to provide for certain specific requirements of the board.

TOMMY CARTER,
Chairman.

And the bill, H. 445 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 592. To amend Section 37-6-3 of the Code of Alabama 1975, relating to the powers of rural electric cooperatives, so as to authorize cooperatives to acquire minority interests in electric generating plants, transmission and distribution lines or systems in common with others, to own undivided interests in facilities, to contract for the construction, operation and maintenance of facilities by other parties and allocate among parties to the contract various costs and expenses and specify entitlement of joint owners to production capability or utilization of facilities, to alter the normal rights of joint owners of property through provisions in such agreements and delegate powers and duties in connection with construction, operation, ownership and disposal of facilities to other parties to such agreements, to contract for the purchase and ownership of project capability or amounts of electric capacity and energy from a project, whether such project is complete or operable or operating, to agree to pay expenses and costs as established by a project manager, including increased costs to cover defaults by project participants and to authorize agreements requiring payments by a cooperative of an unconditional nature, irrespective of whether any electricity or other service

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is received in return and irrespective of whether the cooperative owns an interest in any tangible physical property.

TOMMY CARTER,
Chairman.

And the bill, H. 592 as engrossed, was ordered sent to the Senate.

REPORT FILED

Pursuant to House Joint Resolution 126, Act No. 84, 1976 Regular Session and supplemented by Act 79-52, Senate Joint Resolution, 1979 Regular Session, the 1988 Joint Legislative Prison Committee submitted the report adopted by the Committee, and the report was ordered filed.

LEAVE OF ABSENCE

At the request of Rep. Knight, leave of absence was granted for Rep. Hill.

At the request of Rep. White (G), leave of absence was granted for Rep. Seibels.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 9:32 P.M. on April 5, 1989.

H. 792 (Constitutional Amendment)

JOHN W. PEMBERTON,
Clerk.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 141. (With Substitute): To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 165. (With Substitute) (With Amendment): Establishing a communications bureau within the systems management division of the department of finance; providing for the acquisition of telecommunications equipment,

systems and related services on behalf of state agencies; prescribing procedures for such acquisition; authorizing the promulgation of rules and regulations; and prescribing powers and duties.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 175. To provide that all persons now employed by the University of South Alabama Medical Center who were employed by Mobile General Hospital may purchase credit for up to five years for such service under the State Employees' Retirement System.

H. 244. To provide for the reopening of the employees' retirement system for certain active members who had employment with the Alabama legislature prior to 1979.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 405. (With Substitute): To exempt from all state, county and municipal sales taxes the sale of food to needy persons pursuant to any program conducted by a charitable or not-for-profit organization under conditions where the food is sold to such needy persons at a discounted cash price not greater than fifty percent of its retail fair market value and at least one hour of community or charitable work is required to be performed by each person purchasing such food for every ten dollars of the discounted cash purchase price.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 497. To amend §§16-25-3 and 36-27-4, Code of Alabama 1975, which prohibits participation in the Teachers' or Employees' Retirement System of Alabama by persons age 61 or older; to further provide that a member of the Teachers' Retirement System or the Employees' Retirement System who was prohibited from participating in his respective retirement system because such member was age 61 or older at the time of employment may purchase credit for such service.

H. 501. To provide that persons previously employed by the Agricultural Extension Service may purchase credit for up to five years for such employment under the Teachers' Retirement System of Alabama.

H. 502. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

H. 514. Providing that any elected assistant district attorney shall receive all entitlements enumerated in Title 12, Chapter 17, Article 6 of the Code of Alabama 1975.

H. 516. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1989.

H. 608. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

H. 625. To amend Section 40-9-1, Code of Alabama 1975, which provides for exemptions from ad valorem taxes, so as to exempt property owned by the Disabled American Veterans.

H. 698. To appropriate the sum of \$260,000 from the Alabama Special Educational Trust Fund to the Department of Postsecondary Education for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 725. (With Amendment): To amend Section 32-2-25, Code of Alabama 1975, which provides for an arrest fee, so as to increase said fee and provide for its disposition.

H. 733. (With Amendment): Relating to the surface mining of minerals other than coal, limestone, marble, dolomite and chert; to amend sections 9-16-5, 9-16-7, 9-16-8 and 9-16-12 of the Code of Alabama 1975, so as to grant authority to the department of industrial relations to prescribe the information submitted by applicants seeking permits to engage in surface mining operations; to increase the cost of permitting a surface mining operation by a certain additional acreage fee for each acre or fraction thereof to be mined under the permit; to establish grounds for denial of permit applications; to modify the manner in which lands affected by surface mining are graded after mining; to raise the penal amount of bonds required to be posted by operators by a certain amount per acre; to allow inspections and bond releases to be carried out by persons other than registered foresters as of October 1, 1989; to provide that the payment of fees, the recovery of civil penalties and appropriations by the legislature be placed in an open account designated as the Alabama nonfuel minerals surface mining fund, to be available to the department of industrial relations for administration and enforcement of this act; to make a certain appropriation to the Alabama nonfuel minerals surface mining fund to administer certain provisions of chapter 16 of Title 9 of the Code of Alabama 1975; and to provide that this act shall become effective October 1, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 738. To authorize the Governor, the Director of Finance and the Director of the Department of Youth Services of the State of Alabama to become a public corporation to be known as Alabama Youth Care Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the authority, to provide for meetings of the authority; to prescribe the powers of the authority, including the power to provide for

the acquisition, construction, installation and equipping of youth care and other facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed an aggregate total of \$20,000,000, exclusive of temporary obligations and refunding bonds; to specify the application of the proceeds of the bonds of the authority; to authorize the authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the authority; to provide for the lease of said facilities to the Department of Youth Services to carry out its statutory purposes or to others; to provide for the investment of the proceeds from the sale of the bonds of the authority; to authorize the issuance by the authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the authority may be used as security for state deposits and investment of public funds and fiduciary funds; to provide that no earnings of the authority shall inure to private entities; to create the Alabama Youth Care Authority Legislative Oversight Committee and provide for its composition, duties, powers and expenses; and to provide for dissolution of the authority and conveyance of its properties to the State of Alabama upon payment of said bonds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 749. (With Substitute): To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to a private entity and owned by a private entity for Alabama or federal income tax purposes.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 880. To amend Section 11-59-1, Code of Alabama 1975, relating to Public Athletic Boards, so as to expand the definition of "facility" to include gymnasias and other indoor athletic facilities.

H. 904. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$20,000,000 for the purpose of paying a portion of the capital

costs of deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (on any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this act; to empower the Bond Commission to make necessary payments and agreements regarding investments to comply with Federal law regarding tax exempt bonds, and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

H. 462. Proposing an amendment to the Constitution of Alabama 1901, authorizing each county to levy, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, ad valorem taxes for such purpose or purposes and for such period of time as may be specified by the governing body of such county after approval by a majority vote of the qualified electors residing in the county who vote on the proposal; to provide that at least fifty per cent of the total number of mills levied by a county pursuant to the provisions hereof must be levied for public school purposes; to provide that proceeds of ad valorem taxes levied by a county pursuant to the provisions of this Amendment for public school purposes shall be apportioned and expended in the same manner as the proceeds from the countywide school tax authorized to be levied by Amendment 3 are apportioned and expended unless the law shall otherwise direct; to provide that the total number of mills that may be levied by any county pursuant to the provisions of this Amendment may not exceed 20 mills on each dollar of the assessed value of taxable property in such county; and to provide that the ad valorem taxes levied pursuant to the provisions of this amendment shall be subject to the limitation on and the provisions for the reduction of ad valorem taxes specified in paragraph (i) of Amendment 373 to the Constitution of Alabama.

The above bill was read a second time at length as required by the Constitution.

S. 526. To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

S. 525. To make a supplemental appropriation from the State General Fund to the Alabama Department of Environmental Management for the fiscal year ending September 30, 1989.

S. 524. To make a supplemental appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1989.

S. 523. To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 522. (With Substitute): To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 464. To reduce the appropriation from the State General Fund to the Alabama Development Office by \$300,000 for the fiscal year ending September 30, 1989.

S. 463. To reduce the appropriation from the State General Fund to the Department of Conservation and Natural Resources by \$500,000 for the fiscal year ending September 30, 1989.

S. 462. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Local Boards—Financial Assistance Program by \$2,156,937 for the fiscal year ending September 30, 1989.

S. 461. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for the fiscal year ending September 30, 1989.

S. 459. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$635,881 for the fiscal year ending September 30, 1989.

S. 460. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$635,880 for the fiscal year ending September 30, 1989.

S. 458. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama State Council on the Arts and Humanities by \$500,000 for the fiscal year ending September 30, 1989.

S. 457. To reduce the appropriation from the State General Fund to the Bureau of Tourism and Travel by \$126,000 for the fiscal year ending September 30, 1989.

S. 456. To reduce the appropriation from the State General Fund to the Highway Department by \$140,000 for the fiscal year ending September 30, 1989.

S. 455. To reduce the appropriation from the State General Fund to the Department of Environmental Management by \$150,000 for the fiscal year ending September 30, 1989.

S. 454. To reduce the appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs by \$400,000 for the fiscal year ending September 30, 1989.

S. 453. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

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Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 142. (With Substitute): Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

S. 62. (With Substitute): To further amend Section 36-27-6, Code of Alabama 1975, as amended, relating to participation in the state employees' retirement system by employees and public officers of counties, municipalities and other political subdivisions and quasi-public organizations, so as to authorize certain employees of the community action agencies to be members of the state employees' retirement system upon certain conditions.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 22. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

S. 266. To amend Section 12-18-6, Code of Alabama 1975, as amended, relating to eligibility for retirement of justices of the supreme court, judges of the courts of appeals and judges of circuit courts, so as to further provide therefor and creditable service.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 89. To provide further for the revision of eminent domain laws of this state by amending sections 18-1A-24, 18-1A-30, 18-1A-70, 18-1A-74, 18-1A-110, 18-1A-194, 18-1A-211, and 18-1A-276 of the Code of Alabama 1975 to make clarifying amendments to the sections.

H. 619. Relating to the fee to be charged by probate judge; to amend Section 12-19-90 of the Code of Alabama 1975, to remove the requirement to charge a fee for celebrating the rites of matrimony.

S. 147. To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 569. (With Substitute): To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to eliminate the definition of

component parts; to require a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title which shall contain the word "rebuilt."

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 105. To allow Federal Judges to solemnize marriages amending Section 30-1-7 of the Code of Alabama 1975.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 269. (With Amendment): To permit the use of blood test for intoxication in cases of death or serious physical injury and provides penalties for non-compliance.

S. 224. (With Amendment): To amend Section 30-3-61, Code of Alabama 1975, which provides for the implementation of income withholding to satisfy support obligations, so as to authorize immediate income withholding on any order entered at the request of the department, except in cases where good cause not to do so is determined by the court or there is an agreement between parties not to have immediate implementation of income withholding, and to provide for the implementation of income withholding in such cases when immediate income withholding is not implemented.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 837. To provide that the same limitations and restrictions upon the prosecution's use of peremptory challenges against cognizable groups shall also apply to the defense in a criminal case; to provide that the same procedures for determining and remedies for correcting such violations shall be applicable to the defense as are applicable to the prosecution; and to provide that this act shall apply to all criminal trials begun after its effective date.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 793. (With Substitute) (With Amendment): To amend Code of Alabama 1975, §15-10-3 which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; and to provide for good faith immunity for arrests, to provide for reports of investigations of family violence, severability, repeal of conflicting laws and the effective date.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 225. (With Amendment): To amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 136. To amend section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as to increase the number of days a parolee may be held awaiting the arrival of a warrant.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 152. (With Substitute): To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and collection of fees to defray the expense of this program; and to provide that no person shall be released from custody for furlough without the board of pardons and paroles first authorizing such furlough.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 842. To amend Section 6-5-332, Code of Alabama 1975, relating to civil immunity for certain persons rendering first aid or emergency care at the scene of an accident, so as to include certain persons trained in first aid or cardiopulmonary resuscitation (CPR).

S. 271. To amend Section 37-6-21 of the Code of Alabama of 1975 to establish disclosure requirements for offers to purchase or lease a substantial portion of a cooperative's property, to require transmittal of such offers to other cooperatives, to establish exceptions to the disclosure requirements, prohibit untrue statements in disclosure statements and make offers and purchases in violation of the disclosure requirements void, unenforceable and rescindable.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 593. (With Amendment): To further provide for the boundaries of real estate, so as to make the removal or destruction of certain boundary

markers, monuments and posts, or other legally erected permanent landmarks, or substitutes therefor, to designate boundaries, a misdemeanor crime; to provide for criminal penalties; and to prescribe that the provisions of this act are cumulative.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 796. To amend Section 13A-11-74, Code of Alabama 1975, which exempts certain persons from obtaining licenses to carry pistols, so as to include justices and judges within said exemption.

H. 20. To amend Section 15-10-2, Code of Alabama, 1975, which relates to when an officer may execute warrants and his authority to break and enter a dwelling, so as to provide that when an officer executes the warrant, he must make it known under what authority he is doing so.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 529. To require the state to observe all federal holidays and to authorize three (3) additional days of personal leave so as to keep the total number of state holidays and days of personal leave at the present level of thirteen (13).

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 745. (With Substitute): To amend Sections 39-1-1, 39-2-2, 39-2-3, 39-2-5, and 39-2-10, Code of Alabama 1975, relating to bond and other requirements for public works, so as to allow treasury bonds, treasury bills, treasury certificates of deposit, certified check or other good and sufficient security to be used in lieu of a bond for contracts under \$20,000.00 in amount; to increase the bid amount requiring formal advertising; to increase proposal fees; to extend the periods of time within which bids must be returned if the awards are deferred; to extend the period of time allowed for approval of the bond and execution of the contract; and to extend the period of time allowed for a proceed order.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 876. (With Amendments): To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 885. (With Substitute) (With Amendment): To designate the Alabama Commission on Higher Education as the sole authority in this state with the power and duty of regulating and licensing nonpublic postsecondary educational institutions and courses of instruction; to authorize the commission to establish, prescribe and enforce rules and regulations for licensing and to specify minimum standards required for licensure; and to establish a student tuition recovery fund.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 76. To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees for transportation companies, so as to provide funds for the regulation and enforcement of pay telephones in the state owned and/or operated by local exchange companies, interexchange companies, or customer-owned, coin-operated telephone providers.

S. 83. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 84. (With Amendment): To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of fees collected thereunder.

Rep. Walker, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 20. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include certain swimming pool contractors in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude certain swimming pool contractors from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 431. Relating to Wilcox County; to amend Section 3 of Act No. 85-523 of the 1985 Regular Session (Acts 1985, p. 631), Act No. 85-826 of the 1985 Second Special Session (Acts 1985, p. 83), so as to provide further for the expense allowance and salary of the probate judge and to provide for retroactive effect.

S. 512. Relating to Marengo County, Alabama; further providing for the procedure for redeeming lands sold for taxes in such counties; and transferring certain duties of the probate judge to the revenue commissioner.

S. 513. Relating to Washington County; providing certain additional salary supplements for the two circuit judges that preside over the circuit court in said county.

S. 514. Relating to Marengo County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

S. 534. Relating to Wilcox County, repealing Act No. 317, S. 343, 1943 Local Acts, as amended, entitled "An Act To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued."

S. 568. Relating to Clay County; granting to the Clay County Commission the authority, if they so desire or deem necessary, to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the implementation of this act.

S. 571. Relating to Randolph County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

H. 811. Relating to Chilton County, providing for a special recording fee for each document filed for record in the office of the probate judge and to provide for the distribution of such fees.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 881. (With Amendment): Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in St. Clair County.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 886. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection in Choctaw County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

The above bill was read a second time at length as required by the Constitution.

H. 892. Relating to Walker County; to provide monies to the Juvenile Court Advisory Committee Fund in order to finance any group homes, detention facility, shelter care facility or Court, Juvenile Court or Municipal Courts of Walker County, Alabama.

H. 893. Relating to Randolph County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Randolph County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

H. 905. Relating to Lauderdale County, providing further for the compensation of the license commissioner.

H. 909. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-553, S. 641, of the Regular Session of 1986 (Acts 1986, p. 1127), which provides a monthly expense allowance for the presiding judge, so as to remove the restriction on such allowance to certain travel expenses.

H. 910. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-691, H. 123, of the First Special Session of 1986 (Acts 1st Special Session 1986, p. 96), which provides a monthly expense allowance for the district attorney, so as to remove the restriction on such allowance to certain travel expenses.

Rep. Marietta, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 900. Relating to any Class 2 municipality; providing for an additional method of annexation of territory by any Class 2 municipality; providing for a referendum on the question of annexation by the qualified electors residing within the territory proposed to be annexed by such municipality; and providing for an exemption from city ad valorem taxation for a period of five years of territory annexed under this act.

H. 907. Relating to the City of Mobile; providing further for cost-of-living increases for persons retired from the city board of health.

H. 908. Relating to Mobile County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 467. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

S. 531. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided

for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

S. 566. To abolish all previous salary supplements and expense allowances paid to the circuit judges of the 33rd Judicial Circuit composed of Dale and Geneva counties on September 30, 1989, and to establish a new salary supplement on October 1, 1989, which shall be paid to the circuit judges of the 33rd Judicial Circuit and to establish the method of payment for such supplemental salaries.

H. 303. Relating to Talladega County; authorizing the county to pay all of its employees whose compensation is provided for by local act, on a bi-weekly basis instead of a semi-monthly basis; to provide that the provisions of this act are supplemental and are to be construed in pari materia with other laws regulating compensation; and to provide further that those laws or parts of laws that are in direct conflict or inconsistent with this act are repealed hereby.

H. 898. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

H. 899. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

The above bill was read a second time at length as required by the Constitution.

H. 912. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Millbrook, in Elmore County and to make the provisions of this act retroactive.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Flowers (With Notice and Proof):

H. 923. Relating to Pike County; authorizing the Pike County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; and expressing legislative intent regarding said contracts.

Committee on Local Legislation No. 1.

REGULAR SESSION
17th Day

1409

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 923, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Coburn:

H. 924. To amend section 34-23-8 of the Code of Alabama 1975, relating to substitution of brand drugs, so as to allow licensed pharmacists to substitute a less expensive pharmaceutically and therapeutically equivalent drug product, unless the practitioner prescribing the drug specifies in his or her own handwriting that the brand name product prescribed is medically necessary.

Committee on Health.

By Rep. Lindsey (With Notice and Proof):

H. 925. Relating to Cleburne County; to provide that, as long as the probate judge sells automobile and motor vehicle licenses, he shall be paid on a pro-rata basis out of the ad valorem tax proceeds collected each year into the county general fund, effective October 1, 1989; and to create a special account in the general fund for such taxes collected.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 925, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW):

H. 926. To further regulate pari-mutuel wagering in the State of Alabama, so as to establish residency requirements for any person, corporation, partnership, association or other legal entity which owns or operates a pari-mutuel wagering facility; requiring that such person be a resident of the State of Alabama for 5 years or longer and that not less than 55 percent of the ownership, voting rights or control in any corporation, partnership, association or other legal entity be owned, directly or indirectly, by persons meeting such residency requirements and to repeal all conflicting laws.

Committee on Tourism, Entertainment and Sports.

By Rep. Thomas (With Notice and Proof):

H. 927. Relating to Lowndes County, amending Act No. 166, H. 137, 1961 Regular Session, which levies a sales tax, so as to provide further for the distribution of the tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 927, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Thomas (With Notice and Proof):

H. 928. Relating to Lowndes County; to amend Section 12 of Act No. 87-620, H. 1088 of the 1987 Regular Session (Acts 1987, p. 1097) as amended,

which levies an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes thereof so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 928, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Thomas (With Notice and Proof):

H. 929. Relating to Lowndes County; to amend Section 6 of Act No. 87-523, H. 1090 of the 1987 Regular Session (Acts 1987, p. 791) which levies a county privilege, license or excise tax on tobacco and certain tobacco products so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 929, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Thomas (With Notice and Proof):

H. 930. Relating to Lowndes County; to grant the county commission certain power relating to levying or increasing county business or privilege licenses.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 930, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Willis (With Notice and Proof):

H. 931. Relating to Calhoun County, Alabama, to allow, in addition to the uses now otherwise allowed, the use of funds collected or obtained pursuant to the provisions of Title 11, Subtitle 3, Chapter 98, Code of Alabama 1975, by communications districts in said county, for the purchasing of road and street signs necessary for roads and streets which are renamed in order to establish E 911 service; due to the local needs of Calhoun County not having been otherwise provided for by other legislation.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 931, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Lindsey:

H. 932. To amend further section 40-17-224, Code of Alabama 1975, relating to the use of proceeds from an additional excise tax levied on gasoline, motor fuel and lubricating oil, so as to provide further for the use of such proceeds.

Committee on Local Government.

By Reps. Johnson (RW), White (L), Blake, Mikell, Kvalheim, Moon, Breedlove, Holley, and Laird:

H. 933. To provide for the revision of the adoption laws to be known as the "1989 Alabama Adoption Act" by providing general provisions, definitions, jurisdiction, venue and procedure; punishment for certain violations including selling babies for adoption; by repealing Sections 26-10-1 through 26-10-10 of Code of Alabama 1975, relating to general adoption laws; by repealing Sections 43-4-1 through 43-4-4 of the Code of Alabama 1975, relating to adoption of adults for purposes of inheritance; and to provide for the application to existing adoptions and for an effective date of January 1, 1990.

Committee on Judiciary.

By Reps. Blakeney and Black:

H. 934. Proposing an amendment to the Constitution of Alabama of 1901, relating to additional ad valorem taxes in Choctaw County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Grayson (With Notice and Proof):

H. 935. Relating to Madison County; prescribing salaries, duties, and expense allowances for certain county officials, the effective date of those salaries, duties and expense allowances and that such salaries and expense allowances shall be paid from the county general fund in lieu of any other salaries or expense allowances.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 935, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grayson:

H. 936. To exempt the FOP LODGE No. 6, in Huntsville, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Payne and Wright:

H. 937. To amend further section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete

restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Committee on Health.

By Rep. Williams:

H. 938. To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

Committee on Judiciary.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 939. Relating to Lee County; to create the Lee County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Lee County; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions for such zoning regulations and for appeals from the decisions of the commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 939, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Fuller:

H. 940. To amend Sections 27-13-28 and 27-13-66, Code of Alabama 1975, which relate to the annual statistical reports of insurance companies, so as to provide that certain information shall be public record; and to provide for a fine levied and collected by the commissioner, after a special hearing, for any person who, without prior written authorization, obtains any records, data or other information, or access thereto, of an insurance company or rate organization with the intent to convey such records, data or information to another company or organization for the purpose of affecting rates or gaining a competitive business advantage.

Committee on Insurance.

By Rep. Laird (With Notice and Proof):

H. 941. Relating to Clay County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Clay County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Committee on Local Legislation No. 1.

REGULAR SESSION
17th Day

1413

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 941, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bugg (With Notice and Proof):

H. 942. Relating to Etowah County; providing that the members of the county commission shall serve on a part-time basis and repealing Act No. 85-595, H. 562, 1985 Regular Session, effective at the beginning of the next term of office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 942, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bugg (With Notice and Proof):

H. 943. Relating to Etowah County, providing that the chairman of the county commission shall have the authority to veto resolutions.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 943, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bugg (With Notice and Proof):

H. 944. Relating to Etowah County; to provide that there shall be a referendum election in said county to determine whether or not the construction and maintenance of the county road system shall remain under the present district or beat line system or shall be constructed and maintained under a county unit system.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 944, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McDowell:

H. 945. To establish a procedure whereby a Class 5 municipality may adopt a mayor-council form of government; to provide for the election of a mayor and council members, the method of establishing salaries, certain duties and responsibilities; and to provide for the continuation of laws applicable to said cities.

Committee on Local Government.

By Reps. Rains, Cosby, Gray, Davis, Hall, Moon, Escott, Colvin, Butler, Mikell, Starkey, McMillan, Burke, Carter, Ford, Rogers, McDowell,

McClain, Johnson (RW), Melton, Clark (J), Freeman, Sanderford, Harvey, Warren, Flowers, Adams, Logan, Richardson, Penry, Hamilton, Hooper, Parker, Newton (C), Beasley, Mathis, Frazier, Hogan, Goodwin, Wright, and Dillard:

H. 946. To amend Section 16-33-4 of the Code of Alabama 1975, relating to benefits for dependents of blind parents, so as to provide further for such benefits.

Committee on Ways and Means.

By Rep. Britnell (With Notice and Proof):

H. 947. To amend the title and sections 1, 2, 3, 4 and 5 of Act No. 54, H. 378, approved June 28, 1965 (Acts 1965, p. 75), which provides for a junior college and trade school scholarship program for residents of Franklin County, Alabama, so as to provide for a community college scholarship program for such residents and for the manner of awarding such scholarships.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 947, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 948. Relating to Marion County, to amend Act No. 79-259, H. 665 of the 1979 Regular Session (Acts of 1979, p. 399) pertaining to the county commission's authority in regard to constructing and maintaining certain roads and driveways, so as to grant said authority to municipalities located in Marion County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 948, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 949. To amend Section 6 of Act No. 515, H. 756, approved September 14, 1963 (Acts 1963, p. 1100), which levied a tobacco tax in Franklin County, Alabama, so as to provide further for the disposition of the proceeds of the revenue from such tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 949, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Breedlove, Clark (J), Blakeney, Butler, Venable, White (F), Carter, Thomas, Laird, Fuller, Adams, Headley, Buskey (JL), Bryant, Beasley,

Carothers, Johnson (RG), Biddle, Freeman, Mathis, Hall, Cosby, Harper, Hammett, and Buskey (JE):

H. 950. To amend Act 88-824, so as to extend amnesty for payment of ad valorem taxes on tangible personal property by revising the date for filing, assessment, and payment of taxes to June 30, 1989.

Committee on Ways and Means.

By Rep. Biddle:

H. 951. Relating to the Alabama Mental Health Finance Authority created by Act No. 88-475, H. 747, Regular Session 1988 (as now appearing as Sections 41-10-350 through 41-10-371, Code of Alabama 1975); to amend Sections 3, 4, and 15 and to further amend Section 2 of said Act No. 88-475 so as to: further define the term "Oversight Commission"; to change certain erroneous references to the "Oversight Committee" to read correctly the "Oversight Commission"; and to require that all expenditures of the Authority must have the prior approval of the Oversight Commission.

Committee on Health.

By Rep. McClain:

H. 952. To establish a procedure whereby a Class 6 municipality may adopt a mayor-council form of government; to provide for the election of a mayor and council members, the method of establishing salaries, certain duties and responsibilities; and to provide for the continuation of laws applicable to said cities.

Committee on Local Government.

By Reps. Buskey (JL), McClain, Holley, Turnham, Grayson, Holmes, and Layson:

H. 953. To further amend Section 41-16-50, Code of Alabama 1975, as amended, relating to public contracts requiring competitive bidding, so as to include separate boards of trustees.

Committee on State Administration.

By Rep. Slaughter:

H. 954. To amend Section 15-14-30, Code of Alabama 1975, relating to jury trials, so as to waive the right to a jury trial where the maximum statutory penalty for a misdemeanor conviction does not exceed imprisonment for a period of six (6) months.

Committee on Judiciary.

By Rep. Slaughter:

H. 955. To amend Section 32-5A-191, Code of Alabama 1975, relating to driving under the influence, so as to decrease the maximum imprisonment allowable for a conviction of a first offense from a maximum of one year imprisonment to a maximum of six months imprisonment.

Committee on Judiciary.

By Rep. Petelos:

H. 956. To authorize any circuit clerk of any circuit court in the State of Alabama to establish and maintain a Child Support Assistance Fund to

provide a limited underwriting and indemnification for circuit clerks against loss from child support payments made by worthless checks or money orders made or delivered to the circuit clerk as collecting agent pursuant to a divorce decree or custody order or other court order; to be funded by a penalty assessed against the drawer of worthless checks and money orders.

Committee on Judiciary.

By Reps. Grouby, Headley, and Hogan:

H. 957. To amend Section 17-4-156 of the Code of Alabama 1975, as last amended, relating to the session days for certain boards of registrars, so as to provide further for the session days for the board of registrars for Autauga County, Walker County and Chilton County.

Committee on Local Government.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, I shall move that the Standing Committee on Public Utilities and Transportation be directed to act on House Bill 524 and report the same at the next sitting of the House.

Filed this the 17th Legislative day immediately after the call of the districts pursuant to House Rule 52.

RESOLUTIONS

The following resolution was introduced:

By Rep. Blake:

H. J. R. 328. COMMENDING ANNIE MAE SULLIVAN NOLIN OF COOK SPRINGS, ALABAMA.

WHEREAS, Annie Mae Sullivan Nolin, a resident of Cook Springs, Alabama, is the widow of the late Virgil Nolin; and

WHEREAS, Annie Mae Nolin and her husband reared two foster children as their own; and she has made numerous and notable contributions to her church, Cook Springs Baptist Church, the senior citizens' Sunday School at the Baptist Home for Senior Citizens; and she is a charter member of the Home's Auxiliary, having served as its president since 1977; and

WHEREAS, her care and concern are felt by the many with whom she comes in contact and her devotion to the senior citizens of her community has endeared her to all in her community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most gratefully recognize Annie Mae Sullivan Nolin for the immeasurable contributions to her community, the Cook Springs Baptist Church and to the senior citizens of her area, and on her exemplary family life.

RESOLVED FURTHER, That a copy of this resolution be sent to Annie Mae Sullivan Nolin so that she may know of our esteem and deep appreciation.

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On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 328, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Fuller:

H. R. 329. CONGRATULATING MR. AND MRS. JOE C. SHAVER OF LAFAYETTE 50TH ANNIVERSARY.

Also:

By Reps. Spratt and Davis:

H. R. 330. MOURNING THE DEATH OF MS. ALISA JAN YARBROUGH.

Also:

The following resolutions were introduced:

By Reps. Butler, Freeman, Grayson, Sanderford, Hall, and Brooks:

H. J. R. 331. COMMENDING BENJAMIN B. GRAVES FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

WHEREAS, in highest honor and esteem, the Legislature of Alabama notes the invaluable service rendered by Benjamin Barnes Graves as a professor and as president of the University of Alabama in Huntsville; and

WHEREAS, a graduate of the University of Mississippi with the BA degree, Benjamin Graves received his MBA from Harvard Business School and his Ph.D. from Louisiana State University; and

WHEREAS, Dr. Graves, who served from 1947 to 1960 in staff and management positions with the Exxon Company, has also served on the faculties of Louisiana State University, the University of Virginia, University of Mississippi, and the University of Alabama in Huntsville, since 1978, as the University's first professor in the field of management; and

WHEREAS, he further served as president of Millsaps College for the five years prior to his position as the first president of the University of Alabama in Huntsville; and

WHEREAS, during Dr. Graves' distinguished tenure as president of UAH (1969-1978), the university's enrollment grew from 2,535 to 4,205 students, while the number of degree programs expanded from 16 to 39; the square footage of campus buildings more than doubled, through new construction and additions, and accreditations were obtained from Southern Association of Colleges and Schools, ABET, National Schools of Nursing and the American Medical Association; and

WHEREAS, attesting to Dr. Graves' impeccable credentials and his distinguished professional service and achievement are his inclusions in such prestigious publications as "The Blue Book", Who's Who in American College and University Administration", "Biographical Encyclopedia of the United States", "Who's Who in the South and Southwest", and "Who's Who in America"; and

WHEREAS, Benjamin Barnes Graves is indeed one of Alabama's most eminent educators, and we are grateful for his service to the University of Alabama in Huntsville for the past 21 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service to the University of Alabama in Huntsville, we hereby most highly commend Dr. Benjamin B. Graves, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

BE IT FURTHER RESOLVED, That we sincerely wish for Dr. Graves continuing success in all future endeavors, following his retirement from UAH in June 1989.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 331, was adopted.

Also:

By Rep. Hooper:

H. J. R. 332. HONORING MONTGOMERY'S WOMEN OF ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation The Montgomery Advertiser and The Alabama Journal "Women of Achievement," who have been recognized for outstanding service to the Montgomery community; and

WHEREAS, cited for laudable volunteerism and leadership were Dorothy Alzheimer, Mary Katherine Blount, Margaret Britton, Cheryl Carter, Margaret Elmore, Henrietta Hubbard, Mary George Jester, Laura Luckett, Kay Miller, Louise Sizemore, and the late Estelle Popkin; and

WHEREAS, not only have these distinguished ladies worked tirelessly and willingly to the betterment of the community but, through example, have inspired others to join them in assuming the responsibilities of good citizenship; and

WHEREAS, the organizations and agencies these dedicated and diligent women have served are grateful for their contributions and we are mindful, as we commend them, that in private decency and public spirit, they are exemplars of virtuous self-sacrifice on behalf of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Montgomery Women of Achievement, Dorothy Alzheimer, Mary Katherine Blount, Margaret Britton, Cheryl Carter, Margaret Elmore, Henrietta Hubbard, Mary George Jester, Laura Luckett, Kay Miller and Louise Sizemore, each of whom shall receive a copy of this resolution of sincere praise and esteem.

BE IT FURTHER RESOLVED, That a copy of this resolution of honor also be provided for the family of the late Estelle Popkin.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 332, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Petelos:

H. R. 333. HONORING HIS EMINENCE ARCHBISHOP IAKOVOS, PRIMATE OF THE GREEK ORTHODOX CHURCH OF NORTH AND SOUTH AMERICA.

Also:

The following resolutions were introduced:

By Rep. Breedlove:

H. J. R. 334. COMMENDING CLARKE COUNTY HIGH SCHOOL, OUR STATE 4A BASKETBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Clarke County High School Bulldogs, our 1989 State Basketball Champions in Class 4A by virtue of a solid 75-59 victory over the Abbeville Yellow Jackets in the finals; and

WHEREAS, under Head Coach Johnny Mitchell, the Clarke County Bulldogs began their bid for the State Title with a close 50-49 win over Sheffield in the opening game of the tournament; and

WHEREAS, the Bulldogs then polished off top-ranked and defending State Champion, Sumter County of York, with a runaway 74-61 trouncing to earn a berth in the finals; and

WHEREAS, the Clarke County Bulldogs, who finished the season with a 28-3 record and the State Crown, are Rodney Barganier (All-Tournament and MVP), Cedric Fuller (All-Tournament), Michael Frazier (All-Tournament), and teammates Clarence Williams, Robert Wright, Brent Fuller, Bobby Wilson, Thaddeus Raine, Kenneth Robinson, Cedric Chapman, Eric Horn, Aaron Owens, Anthony Mitchell and DeCarlos Chapman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Johnny Mitchell and his Clarke County Bulldogs on the 1989 State Class 4A Basketball Championship, and do further direct that copies of this resolution be forwarded to Coach Mitchell for appropriate presentation and school display.

On motion of Rep. Breedlove, the rules were suspended and the resolution, H. J. R. 334, was adopted.

Also:

By Rep. Bugg:

H. J. R. 335. COMMENDING MRS. ANNE FORD CASE OF JACKSONVILLE, ALABAMA.

WHEREAS, it is with a sense of great pride that the Alabama Legislature notes the recent selection of Mrs. Anne Ford Case as Calhoun County's Elementary Teacher of the Year; and

WHEREAS, a teacher for the past 23 years, Mrs. Case is indeed a thoroughly knowledgeable professional whose credentials are exemplary, and

she has continued to strengthen her qualifications through participation in a number of seminars, workshops, and other advanced training sessions; and

WHEREAS, in the classroom, Mrs. Case's first concern is for the individual needs of her students and her total efforts are dedicated to their growth and maturation through knowledge; and

WHEREAS, she further extends her dedication to include support of all school activities, and actively seeks the support of parents and community for the school in an effort to continually improve the overall quality of education for the entire student body; and

WHEREAS, among her numerous distinctions and awards, she was Alabama's Community Ambassador to Spain, has been nominated to the Teacher Hall of Fame and as Alabama's Teacher of the Year; she has recently attended the Effective School Program Workshop in Jackson, Mississippi; and

WHEREAS, we join with faculty, staff, students and parents of Saks Elementary School in Anniston in commending Mrs. Anne Ford Case as Calhoun County's Elementary Teacher of the Year and further express support of her candidacy for state and national honors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That in recognition of outstanding professional achievement and contributions in the educational field and community leadership, we hereby most highly praise Anne Ford Case of Jacksonville, Alabama, to whom we are deeply grateful and for whom a copy of this resolution shall be provided.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 335, was adopted.

Also:

By Rep. Bugg:

H. J. R. 336. COMMENDING EMILY PUTNAM OF AUBURN, ALABAMA, "FOCUS ON ANIMALS" VIDEO CO-PRODUCER AND DEVELOPER.

WHEREAS, the Alabama Legislature notes that Emily Putnam, while a third grader at Vestavia Hills Elementary-Central School in the Vestavia Hills enrichment program of Audrey Wilson, enrichment resource teacher, co-developed and co-produced a slide presentation focusing on responsible pet ownership, the humane treatment of animals and the benefits of the spaying and neutering of pets; and

WHEREAS, the slide presentation has been produced into a video for the "Focus On Animals" program and is now used nationally through the national video and film catalog for schools and libraries; and

WHEREAS, Emily Putnam and her co-producer spent almost one year organizing, researching their subject and taking slides, writing their script and assembling their presentation and it is the first program of Focus on Animals by children and for children; and

WHEREAS, the creativity, perseverance and problem solving abilities of Emily Putnam are extraordinary and she is instrumental in consciousness-raising about identifying problems and the importance of spaying and neutering pets; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend Emily Putnam for her outstanding achievement in the enrichment program and in her special production focusing on the humane animal treatment.

RESOLVED FURTHER, That a copy of this resolution be sent to Ms. Emily Putnam so that she may know of our high praise and best wishes for her many future successes.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 336, was adopted.

Also:

By Rep. Rogers:

H. J. R. 337. COMMENDING DAVID BISHOP, OUTSTANDING DISABLED VOLUNTEER.

WHEREAS, David Bishop, a resident of Montgomery and an outstanding volunteer, has been a dedicated volunteer in helping others in spite of his own disabilities; and

WHEREAS, David Bishop has used his time, talents and energies in volunteer service for the Alabama Office of Voluntary Citizen Participation, a division of the State Commission on Aging, the Red Cross, and other charitable and civic organizations; and

WHEREAS, David Bishop is exemplary in his courage and dedicated service for the betterment of others and his care and concern for others have touched the lives of many; and

WHEREAS, the dedication and spirit in service to others who are disabled or disadvantaged is volunteerism at its finest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby highly commend David Bishop as an outstanding disabled volunteer and recommend that others follow in his giant footprints of care and concern for others.

BE IT FURTHER RESOLVED, That we do direct that a copy of this resolution be sent to David Bishop so that he may know of our high praise.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 337, was adopted.

RECESS

On motion of Rep. Wright, the House recessed until 1:00 o'clock p.m.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Campbell:

H. J. R. 338. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn

today, Thursday, April 6, 1989, they adjourn to meet again on Tuesday, April 11, 1989.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 338, was adopted.

Also:

By Rep. Campbell:

H. R. 339. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 6, 1989, we adjourn to meet again on Tuesday, April 11, 1989, at 1:00 P. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 339, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Thomas, leave of absence was granted for Rep. Clay.

BILLS ON THIRD READING BUDGET ISOLATION RESOLUTION

On motion of Rep. Hall, Budget Isolation Resolution relating to H. B. 771, was adopted.

Yeas 40; Nays 2.

Yeas:

Mr. Speaker, Blakeney, Box, Breedlove, Britnell, Bryant, Bugg, Butler, Carothers, Carter, Colvin, Curry, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Grayson, Hall, Hamilton, Higginbotham, Knight, Logan, Marks, Mathis, Moon, Newman, Newton (C), Parker, Payne, Perdue, Petelos, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas and White (L).

—40

Nays: Reps. Brooks and Sanderford.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 771. Relating to Madison County and emergency telephone service charges so as to further provide for the rate process in the county on such service; providing for certain advisory referenda called by the county commission on certain increases; and providing for additional information to be listed on ballot in referendums on question of emergency telephone service charge; and providing for the provisions of this act to be applicable retroactively to any referenda on such charges held within the last eighteen months from the effective date of this act, and thereafter.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 2.

Yeas:

Mr. Speaker, Blakeney, Britnell, Bryant, Butler, Carothers, Carter, Colvin, Curry, Dillard, Freeman, Grayson, Hall, Hamilton, Higginbotham, Holley, Johnson (RW), Knight, Logan, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Perdue, Richardson, Rogers, Slaughter, Thomas, White (L) and Zoghby.

—33

Nays: Reps. Brooks and Sanderford.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Butler, Budget Isolation Resolution relating to H. B. 577, was adopted.

Yeas 40; Nays 1.

Yeas:

Mr. Speaker, Beers, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Butler, Carter, Colvin, Curry, Dillard, Escott, Freeman, Fuller, Gaston, Grayson, Harvey, Higginbotham, Holley, Knight, Logan, Marks, McClain, Moon, Newman, Newton (D), Parker, Payne, Perdue, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, White (G) and White (L).

—40

Nay: Rep. Hall.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 577. Relating to Madison County; to authorize the county commission to designate an official county historian and appropriate an honorarium for same.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 1.

Yeas:

Mr. Speaker, Beers, Box, Breedlove, Britnell, Brooks, Bugg, Carothers, Colvin, Crow, Curry, Davis, Escott, Freeman, Gaston, Grayson, Hamilton,

Higginbotham, Holley, Knight, Logan, Marks, Mathis, Moon, Newman, Newton (C), Parker, Perdue, Richardson, Sanderford, Slaughter, Spratt, Thomas, White (G), White (L) and Willis.

—36

Nay: Rep. Hall.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (D), Budget Isolation Resolution relating to H. B. 834, was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carter, Colvin, Dillard, Escott, Freeman, Grayson, Hamilton, Harvey, Headley, Higginbotham, Holley, Kennedy, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (D), Parker, Payne, Perdue, Richardson, Rogers, Spratt, Starkey, White (G), White (L), Willis and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 834. Relating to Jefferson County; amending Section 6 of Act No. 547, H. 1176, 1965 Regular Session, relating to the powers of the civic center authority established pursuant to said act, so as to specify in a more general and comprehensive manner the types of facilities that said authority may own, operate and manage.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 2.

Yeas:

Mr. Speaker, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Carter, Colvin, Dillard, Escott, Freeman, Gaston, Grayson, Hall, Harvey, Headley, Higginbotham, Holley, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (D), Parker, Perdue, Petelos, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, White (G), White (L), Willis, Wright and Zoghby.

—41

Nays: Reps. Curry and Payne.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Reps. Campbell and Kennedy:

H. J. R. 340. RECOGNIZING, WITH COMMENDATION, JUNE 2, 1989, AS "LETTER CARRIER DAY" IN ALABAMA.

WHEREAS, the National Association of Letter Carriers was founded August 30, 1889, in Milwaukee, Wisconsin, by a group of letter carriers dedicated to improving wages, working conditions and job security for America's letter carriers; and

WHEREAS, the National Association of Letter Carriers and the United States Postal Service, working in partnership, have produced a mail delivery service that is one of the most efficient in the world; and

WHEREAS, in celebration of the centennial year of the National Association of Letter Carriers, a 37,654-mile journey began on March 2, 1989, in Washington, D.C., for the purpose of delivering a symbolic, giant envelope that will be postmarked in each of the fifty states and Puerto Rico; the envelope, which will arrive in Milwaukee on August 23rd to be postmarked, will be delivered to the celebration site on August 30, 1989, the 100th Anniversary of the Association's founding; and

WHEREAS, the "Red Letter" day in Alabama, however, is June 2, 1989, when the giant envelope will arrive in Birmingham to be postmarked and forwarded to its next destination; and

WHEREAS, June 2, 1989, which has been proclaimed "letter Carrier Day" in Alabama, is indeed a significant occasion and one which calls for a special celebration with appropriate ceremony; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the National Association of Letter Carriers and its membership, and do further recognize June 2, 1989, as "Letter Carrier Day" in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation on this significant occasion.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 340, was adopted.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L) Budget Isolation Resolution relating to H. B. 855, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carter, Colvin, Curry, Dillard, Escott, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Holley, Holmes, Knight, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (D), Perdue, Petelos, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, White (L), Willis and Zoghyby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 855. Relating to Tallapoosa County, to provide for the filing for record and the preservation of all orders and judgments made and entered by the judge of the circuit court of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Box, Breedlove, Bryant, Buskey (JL), Carter, Curry, Davis, Freeman, Gaston, Goodwin, Hall, Hammett, Harvey, Higginbotham, Holley, Holmes, Knight, Layson, Marks, Mathis, McClain, Moon, Newton (D), Parker, Payne, Perdue, Richardson, Rogers, Slaughter, Starkey, Thomas, White (F), White (G), White (L) and Willis.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hamilton, Budget Isolation Resolution relating to H. B. 859, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Butler, Carter, Curry, Dillard, Escott, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Knight, Marks, Mathis, McClain, McKee, Mikell, Moon,

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Newman, Parker, Rogers, Slaughter, Spratt, Starkey, Thomas, White (F), White (L), Willis and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 859. Relating to Lauderdale County; amending Act No. 84-387, H. 757, 1984 Regular Session, so as to provide further for the term and compensation of the revenue commissioner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Carter, Colvin, Curry, Dillard, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Holley, Knight, Logan, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, White (G) and Wright.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hogan, Budget Isolation Resolution relating to H. B. 868, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carter, Colvin, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harvey, Headley, Hogan, Holley, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 868. Relating to Walker County, providing further for the compensation of the county treasurer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Britnell, Brooks, Bryant, Bugg, Butler, Carter, Colvin, Curry, Dillard, Escott, Frazier, Freeman, Goodwin, Grayson, Grouby, Hall, Hamilton, Headley, Hogan, Holley, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, White (G), Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hogan, Budget Isolation Resolution relating to H. B. 869, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beers, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Butler, Carter, Colvin, Curry, Davis, Dillard, Frazier, Freeman, Goodwin, Grayson, Grouby, Hall, Hamilton, Headley, Hogan, Holley, Knight, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Richardson, Sanderford, Slaughter, Starkey, Thomas, White (G) and Willis.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 869. Relating to Walker County; to amend Section 3 of Act No. 1067, S. 938 of the 1973 Regular Session (Acts 1973, p. 1802), as amended, relating to the county commission, so as to provide further for the meetings of said commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carter, Clark (W), Curry, Dilliard, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Harvey, Headley, Hogan, Holley, Knight, Kvalheim, Logan, Marks, Mathis, McKee, Mikell, Moon, Newton (D), Parker, Payne, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, White (L), Willis and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Escott, Budget Isolation Resolution relating to H. B. 847, was adopted.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Beers, Blake, Blakeney, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carter, Clark (W), Colvin, Curry, Davis, Dillard, Escott, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hamilton, Harvey, Headley, Hogan, Holley, Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (D), Parker, Perdue, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L), Willis and Zoghby.

—54

Nay: Rep. Gray.

—1

And the bill:

H. 847. (With Amendment): To provide for the election procedures of the members of the City of Birmingham City Council, Jefferson County, Alabama, for single member districts; to further provide for the residency qualifications and the manner of filling a vacancy; to require certification of any ordinance together with a map or plat of the district boundaries and the filing of such documents by the city clerk in the office of the Judge of Probate; and to repeal conflicting laws.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 847, page 1, Section 1, line 33, after the word "County," by striking the word ~~may~~ and inserting in lieu thereof the word shall

And the amendment was adopted.

Yeas 21; Nays 0.

Yeas:

Reps. Beers, Box, Brooks, Colvin, Curry, Davis, Escott, Freeman, Gray, Grouby, Hall, Knight, Newman, Newton (D), Parker, Payne, Perdue, Sanderford, Slaughter, Spratt and White (G).

—21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 847 as amended:

Amend H. B. 847 on page 2, Section 1, line 3 by adding after the word nine the following: To the extent demographically possible the nine single member districts shall be divided to ensure that there are five districts in which at least 60% of the registered voters residing in each such district are black; and shall be divided to ensure that there are four districts in which at least 60% of the registered voters residing in each such district are white.

H. 847 CONTESTED

Being a contested local bill, no further action was taken.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 111. COMMENDING THE JACKSONVILLE STATE UNIVERSITY GAMECOCKS FOR MAKING THE FINAL FOUR, DIVISION II, NCAA NATIONAL TOURNAMENT, 1989.

Also:

S. J. R. 112. COMMENDING MR. DALE RICHEY, DIRECTOR OF ALABAMA FARMERS HOME ADMINISTRATION.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Gray Budget Isolation Resolution relating to H. B. 895, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Blakeney, Box, Britnell, Brooks, Bryant, Carter, Colvin, Curry, Davis, Dillard, Escott, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Headley, Holley, Johnson (RW), Knight, Logan, Marks, McClain, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Richardson, Sanderford, Slaughter, Spratt, Starkey, White (G) and Wright.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 895. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Britnell, Brooks, Bryant, Colvin, Curry, Davis, Dillard, Ford, Freeman, Goodwin, Gray, Grayson, Hall, Hamilton, Headley, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, McClain, Mikell, Newman, Newton (D), Perdue, Petelos, Richardson, Sanderford, Slaughter and Starkey.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rogers, Budget Isolation Resolution relating to H. B. 782, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Carter, Colvin, Curry, Davis, Dillard, Freeman, Goodwin, Gray, Grayson, Hall, Hamilton, Headley, Holley, Johnson (RW), Kennedy, Knight, Logan, Marks, McClain, McDowell, Mikell, Parker, Payne, Richardson, Rogers, Sanderford, Starkey, White (G), White (L) and Wright.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 782. Relating to Jefferson County; providing further for the Jefferson County Civil Service laws and the personnel board; requiring the county personnel board to add certain preferential points to any examination for employment by certain veterans, certain disabled veterans and widows or widowers of certain veterans; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Breedlove, Britnell, Brooks, Bryant, Carter, Colvin, Curry, Davis, Dillard, Escott, Goodwin, Grayson, Hamilton, Harvey, Holley, Johnson (RW), Knight, Logan, Marks, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Richardson, Rogers, Sanderford, Spratt, Thomas, White (G) and Wright.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hall to suspend the rules in order to take up the Budget Isolation Resolution and the bill, H. 769, was lost, lacking a four-fifths vote.

Yeas 10; Nays 4.

Yeas:

Reps. Butler, Freeman, Grayson, Grouby, Hall, Haynes, Laird, Rains, White (G) and White (L).

—10

Nays: Reps. Brooks, Curry, Mikell and Sanderford.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Escott to suspend the rules in order to take up out of order the bill, H. 847 as amended, was lost, lacking a four-fifths vote.

Yeas 11; Nays 6.

Yeas:

Reps. Colvin, Davis, Escott, Freeman, Hall, McClain, Newton (D), Perdue, Rogers, Spratt and White (G).

—11

Nays: Reps. Beers, Curry, Gray, Payne, Petelos and Wright.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Layson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 734.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Layson, Budget Isolation Resolution relating to H. B. 734, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Box, Breedlove, Britnell, Brooks, Butler, Carothers, Carter, Colvin, Curry, Dillard, Drake, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Haynes, Headley, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Marks, Mathis, McClain, Moon, Newman, Newton (C), Parker, Poole, Richardson, Sanderford, Slaughter, White (F) and Willis.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 734. To further amend Section 40-23-5, Code of Alabama 1975, as last amended, by Act No. 88-542, S. 204, Regular Session 1988, relating to the exemption of certain worthy organizations and vendors from the payment of state, county and municipal sales and use taxes, so as to provide for further exemptions of certain county public hospital associations and their lessees and successors organized pursuant to Section 10-3A-1, *et seq.*, Code of Alabama 1975, as amended, nonprofit corporations; and to make the provisions retroactive.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Breedlove, Britnell, Butler, Carothers, Carter, Colvin, Dillard, Drake, Frazier, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Haynes, Headley, Holley, Johnson (RG), Kvalheim, Laird, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Parker, Payne, Poole, Richardson, Starkey, White (F), White (G), White (L), Willis and Wright.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Blakeney, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 63.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution relating to H. B. 63, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Curry, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Haynes, Headley, Hogan, Holley, Knight, Laird, Marks, Mathis, McClain, McKee, Newton (C), Parker, Payne, Penry, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Walker, White (F), White (G), White (L), Williams and Willis.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 63. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to require that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Reps. Adams, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Carter, Colvin, Crow, Curry, Drake, Frazier, Fuller, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hogan, Holley, Knight, Kvalheim, Laird, Logan, McClain, McKee, McMillan, Moon, Newman, Newton (C), Penry, Richardson, Slaughter, Starkey, Thomas, Walker, Warren, White (F), White (L), Williams, Willis and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (RG):

H. J. R. 341. DESIGNATING A PORTION OF HIGHWAY 76 AS THE "DESOTO CAVERNS PARKWAY."

WHEREAS, The Heritage Committee in Childersburg, Alabama, has expressed the desire that a portion of Alabama Highway 76 in Talladega County be designated as the "DeSoto Caverns Parkway"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with and support of the desire of The Heritage Committee, we hereby name and designate that portion of Alabama Highway 76 in Talladega County, from its point of intersection with U.S. Highway 280 at Childersburg, east to its intersection with Alabama highway 21 at the Town of Winterboro, as the "DeSoto Caverns Parkway."

BE IT FURTHER RESOLVED, That the State Highway Department is herein authorized to erect and maintain appropriate signs and markers so designating said portion of Alabama Highway 76 as the "DeSoto Caverns Parkway."

RESOLVED FURTHER, That copies of this resolution be forwarded to The Heritage Committee in Childersburg and to the State Highway Department.

On motion of Rep. Johnson (RG), the rules were suspended and the resolution, H. J. R. 341, was adopted.

Also:

By Reps. Knight, Hill, and Holley:

H. J. R. 342. COMMENDING THE UNIVERSITY OF MONTEVALLO MEN'S BASKETBALL TEAM ON THEIR OUTSTANDING ACCOMPLISHMENTS OF THE 1988-89 SEASON.

WHEREAS, the Legislature of Alabama shares the pride of the University of Montevallo in the accomplishments of their Men's Basketball Team during the 1988-89 season; and

WHEREAS, under the talented leadership of Head Coach Rob Spivey and Assistant Coaches Jeff Daniel, Eddy Norris and Curtis Oden, Montevallo's Fighting Falcons posted a fantastic 23-5 season record for the most wins and the highest winning percentage in UM history; and

WHEREAS, the Montevallo men also were the regular season NAIA District 27 Co-Champions, and won both the Kentucky State Invitational and the Xavier University Gold Rush Classic Championships; and

WHEREAS, we further note that these many accomplishments of the Fighting Falcons were achieved during the 25th Anniversary season of the initiation of men's basketball at the University of Montevallo, and this outstandingly successful season was a fitting tribute to the fine program established and built upon over the past 25 years; and

WHEREAS, the UM cagers are senior Bobby Joe Jackson who was All-District, District 27 Player of the Year, 3rd-team All-American by Basketball Times and Blue Ribbon magazines, and 2nd-team NAIA All-American; senior Chris Harrell, also All-District; along with their talented teammates John Twyman, Terrell Long, Roy Dixon, Eddie Reeves, Nathaniel Stamps, Scott Skipper, Tim Adams, Slade Blackwell, Michael Graham, Milt Robinson and Steve Pierrotti; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the outstanding accomplishments of the 1989-90 basketball season, we hereby most highly commend the University of Montevallo Fighting Falcons, and do further direct that copies of this resolution be forwarded to Dr. John Stewart, president, and Dr. Leon Davis, athletic director, for appropriate presentation and display.

On motion of Rep. Knight, the rules were suspended and the resolution, H. J. R. 342, was adopted.

Also:

By Reps. Moon and Williams:

H. J. R. 343. COMMENDING JOHN MALOY LONG OF TROY STATE UNIVERSITY.

REGULAR SESSION
17th Day

1437

WHEREAS, John Maloy Long, Director of Bands and Professor of Music at Troy State University, is a native of Guntersville, Alabama, and a graduate of Marshall County High School (now Guntersville High School) where he played in the school's first band; he also is a graduate of Jacksonville State University where he received the bachelor's degree, and he holds a master's degree from the University of Alabama and an honorary Doctor of Laws degree from Jacksonville State University; and

WHEREAS, Mr. Long organized and, for ten years, directed the Robert E. Lee High School Band in Montgomery, Alabama, which won five national concerts throughout the United States under his leadership, and the Lee concert band's performance record at the State band festival was unsurpassed by any other band in the state; and

WHEREAS, the Troy State University Band, under his direction, performs regularly at bowl games and has been featured numerous times on the three major television networks; his Troy State University band also has participated in four presidential inaugural parades, and the University's Symphony Band, one of the finest in the Southeast, is selected often to perform at many prestigious events; and

WHEREAS, Mr. Long is the recipient of an inordinate number of honors, awards and accolades including Montgomery's Distinguished Service Award, nomination as one of the ten Outstanding Young Men in America, the Citation of Excellence by the National Band Association, 1984 Outstanding Music Educator of the Year, Alabama Bandmasters Hall of Fame and the Distinguished Service to Music Award by Kappa Kappa Psi national band fraternity; and

WHEREAS, John M. Long has further served his profession through active membership and/or high office of many professional organizations, and has served the community through involvement in civic and charitable affairs; and

WHEREAS, John Maloy Long is indeed one of our state's most prominent and accomplished citizens who has brought great honor to his hometown, to Troy State University and the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional achievement and service to Troy State University, we hereby commend John Maloy Long, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Moon, the rules were suspended and the resolution, H. J. R. 343, was adopted.

UNFINISHED BUSINESS

The House proceeded to the consideration of the Unfinished Business.

And the bill:

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several

county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

Was taken up.

SUBSTITUTE ADOPTED

The question was then on the substitute offered by Rep. Cosby on the fifteenth legislative day, and the substitute was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Goodwin, Hamilton, Harvey, Haynes, Headley, Hogan, Hooper, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turnham, Warren, White (F), White (L), Willis, Wright and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Wright offered the following amendment to the bill, H. 264 as amended:

AMENDMENT TO H. B. 264

Amend substitute to H. B. 264 on page 3, section 1, lines 6 by adding after the word section. the following: An additional exception is granted to persons whose sole income is derived from social security benefits. Such persons are exempted from paying any fees required under this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 47; Nays 19.

Yeas:

Mr. Speaker, Adams, Beers, Bowling, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (W), Colvin, Crow, Curry, Davis, Frazier, Gray, Grayson, Grouby,

Hammett, Harvey, Haynes, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Laird, McClain, McDowell, Moon, Newman, Payne, Poole, Rains, Richardson, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), Willis, Wright and Zoghby.

—47

Nays:

Reps. Beasley, Blake, Box, Breedlove, Brooks, Carothers, Carter, Cosby, Gaston, Hamilton, Knight, Kvalheim, Logan, Marks, Mathis, McKee, Parker, Slaughter and White (L).

—19

AMENDMENT OFFERED

Rep. Curry offered the following amendment to the bill, H. 264 as amended:

Amend Substitute to H. B. 264 in Section 1, page 3, line 27 after the word “service.” by inserting the following:

(5) Any provision of this article to contrary notwithstanding, no person, household, business, industry or property owner shall be required to pay any solid waste collection exemption or disposal fee chargeable under the provisions of this article unless solid waste collection and disposal services for which such charge was made were actually provided to such person, household, business, industry or property owner.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—78

AMENDMENT OFFERED

Rep. Payne offered the following amendment #1 to the bill, H. 264 as amended:

On page 3, line 6, after the period, insert the following language:

Provided, however, any individual, household, business, industry or property generating solid wastes that were sharing service for a period of at least

6 months may continue to share service without filing for a certificate of exception.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—67

AMENDMENT OFFERED

Rep. Payne offered the following amendment #2 to the bill, H. 264 as amended:

Amend House Bill 264, Section 1, Page 3, Line 25, after the word "until" by striking the following: A public hearing has been held with regard to reducing such service at least sixty days prior to the reduction of such service.

And substituting in lieu thereof the following: A letter has been sent to each resident or property or business owner receiving door to door service stating that such service will be reduced or changed and allowing at least 60 days for any resident, business owner, or property owner to call for a public hearing and for the county or municipality to hold such public hearing upon request.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Fuller, Gaston, Goodwin, Grayson, Grouby, Hamilton, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Petelos, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Walker, Warren, White (F), White (L), Williams, Willis and Wright.

—63

AMENDMENT OFFERED

Rep. Payne offered the following amendment #3 to the bill, H. 264 as amended:

Amend H. B. 264 on page 8, Section 4, line 24 by striking after the words Section 4. the following: This Act shall become effective immediately

upon its passage and approval by the Governor or upon its otherwise becoming a law.

and inserting in lieu thereof, the following: The establishment by a county commission or municipality of a mandatory public garbage or waste disposal service shall not increase the cost of the same service or comparable existing service by more than 10% in any year.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT LOST

And the amendment was lost.

Yeas 21; Nays 47.

Yeas:

Reps. Beers, Carothers, Crow, Freeman, Grayson, Grouby, Hall, Haynes, Hogan, Holley, Johnson (RG), Laird, Layson, McClain, Moon, Payne, Poole, Rains, Walker, Williams and Wright.

—21

Nays:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Colvin, Cosby, Curry, Dillard, Drake, Escott, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McKee, Melton, Mikell, Newton (D), Parker, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—47

AMENDMENT OFFERED

Rep. Haynes offered the following amendment to the bill, H. 264 as amended:

On page 1, in the synopsis on line 19, after the semicolon, insert the following language:

to require a vote of the qualified electors of the county or municipality before such mandatory service can be initiated;

On page 2, in the title on line 3, after the semicolon, insert the following language:

to require a vote of the qualified electors of the county or municipality before such mandatory service can be initiated;

On page 2, lines 33 and 34, delete the following language:

"If such governing body submits the question to the voters, then the"

and insert in lieu thereof the following language: or municipality. A majority of the qualified electors of the county or municipality must vote in favor of mandatory public participation before such public mandatory service can be initiated. The

AMENDMENT LOST

And the amendment was lost.

Yeas 26; Nays 38.

Yeas:

Reps. Butler, Carothers, Crow, Escott, Frazier, Freeman, Fuller, Grayson, Grouby, Hall, Haynes, Hogan, Holley, Johnson (RG), Laird, Mathis, McClain, Moon, Newton (C), Payne, Poole, Rains, Walker, Warren, Willis and Wright.

—26

Nays:

Reps. Adams, Beasley, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Carter, Colvin, Cosby, Curry, Dillard, Drake, Gaston, Goodwin, Gray, Hammett, Johnson (RW), Kvalheim, Lindsey, Logan, Marietta, Marks, Melton, Mikell, Parker, Petelos, Richardson, Sanderford, Slaughter, Starkey, Turner, Turnham, Venable, White (L) and Zoghby.

—38

AMENDMENT OFFERED

Rep. Frazier offered the following amendment to the bill, H. 264 as amended:

Amend House Bill 264 as substituted on page 5, line 32, after the word "be" by adding the following: Any person who has been laid off from their jobs shall be able to apply for a waiver to this bill while laid off.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Colvin, Crow, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Haynes, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Thomas, Turner, Warren, White (G), Williams, Willis, Wright and Zoghby.

—68

Nays: Reps. Beasley and Slaughter.

—2

And the bill:

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several

county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; to provide for the powers and duties of solid waste officers; to provide that failure to comply with the provisions of the article shall constitute a public nuisance; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 55; Nays 28.

Yeas:

Mr. Speaker, Adams, Bowling, Box, Breedlove, Brooks, Bryant, Butler, Carothers, Carter, Colvin, Cosby, Curry, Dillard, Drake, Escott, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Higginbotham, Hogan, Hooper, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, Melton, Mikell, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Williams, Willis and Zoghby.

—55

Nays:

Reps. Beasley, Biddle, Bugg, Buskey (JE), Buskey (JL), Clark (W), Crow, Frazier, Freeman, Fuller, Grayson, Hall, Haynes, Holley, Holmes, Johnson (RG), Kennedy, Laird, Layson, Moon, Payne, Poole, Rains, Venable, Warren, White (F), White (L) and Wright.

—28

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 548. To provide that any Class I city of the state shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building of structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Also:

H. 583. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton, in Jefferson County.

Also:

H. 662. To amend Article VI, Section 8 of the Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary

disability benefits of the City of Birmingham retirement and relief system, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job have been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the board of managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Also:

H. 710. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended, relating to a pension system for officers and employees of the county so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

McDOWELL LEE,
Secretary.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Holley, the Budget Isolation Resolution and the bill, H. 275, were temporarily carried over.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Walker to suspend the rules in order to take up the Budget Isolation Resolution and the bill, H. 44, was lost, lacking a four-fifths vote.

Yeas 40; Nays 28.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Blakeney, Bowling, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Colvin, Crow, Drake, Escott, Flowers, Frazier, Freeman, Fuller, Goodwin, Grouby, Hall, Harvey, Hogan, Holmes, Kennedy, Knight, Laird, Logan, Mathis, McClain, McDowell, Newman, Newton (D), Spratt, Thomas, Turnham, Walker, Willis and Wright.

—40

Nays:

Reps. Beasley, Box, Breedlove, Brooks, Butler, Carter, Curry, Dillard, Gaston, Gray, Haynes, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Marks, McKee, Moon, Newton (C), Parker, Payne, Richardson, Sanderford, Slaughter, Starkey, Warren and White (L).

—28

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 805.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 805, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, McClain, McKee, Mikell, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Willis, Wright and Zoghby.

—82

And the bill:

H. 805. (With Amendment): To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 805, and the pending amendment:

A BILL
TO BE ENTITLED
AN ACT

To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby created in the state treasury a fund to be known as the Governor's Contingency Fund. Said fund shall be expended under the direction of the Governor, at his discretion, and shall be accounted for by him to the legislature at each session; provided, however, that the Governor shall file with the legislative council on a monthly basis a list of all expenditures made by him from said fund.

Section 2. The Governor is, at his discretion, authorized to make expenditures from the Governor's Contingency Fund for expenses incident to the purposes of state government, or as the public service might require, and for which no appropriation or an insufficient appropriation was made. Included within the authorized expenditures by the Governor, but not limiting

the general purposes set forth herein, are: the ordinary expenses of the Executive Department of government, including but not limited to the expenses of the Governor, the Governor's office and staff; the expenses and any compensation of commissions and committees appointed by the Governor for public purposes; expenses for law enforcement and for the better enforcement of the laws of Alabama and subdivisions thereof; expenses for keeping the peace; for compensation and expenses of attorneys and experts employed by or on behalf of the Governor, the State, its departments or agencies; as otherwise authorized by statute or practice; and for grants and benefits for the betterment of the public welfare, health, education, peace and morals of the people of this state, which grants shall be limited to the State of Alabama, its departments and agencies, and local political subdivisions, their departments, agencies, boards of education and public schools. All persons employed by the Governor for whom no compensation shall be prescribed and for the compensation of whom no money has been appropriated, may be paid by the Governor, in his discretion, and he is authorized to pay them from the Governor's Contingency Fund. Provided, however, that the Governor may not increase the amount of compensation of any public official whose compensation is designated by law, nor may expenditures be made from the Governor's Contingency Fund to compensate employees subject to merit system provisions. Provided further, that funding from the Governor's Contingency Fund shall not create a continuing obligation on the part of the state.

Section 3. The money appropriated to said Governor's Contingency Fund shall be subject to withdrawal and expenditure upon voucher authorized, approved and certified by the Governor, upon which the comptroller shall issue his warrant.

Section 4. The expenditures from said Governor's Contingency Fund shall be limited to the amount appropriated thereto by the legislature.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective on October 1, 1989, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Turnham,

Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—84

And the bill, H. 805 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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RESOLUTIONS

The following resolutions were introduced:

By Reps. Kennedy, Harper, Zoghby, Turner, Gaston, Kvalheim, Buskey (JE), Box, Clark (W), Marietta, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, and Wright:

H. J. R. 344. MOURNING THE DEATH OF GLADYS MOUTON COOPER OF MOBILE, ALABAMA.

WHEREAS, in sentiment of great sorrow, the Legislature of Alabama records the lamentable death of Gladys Mouton Cooper of Mobile, Alabama, on April 1, 1989; and

WHEREAS, a prominent Mobile civic leader, Mrs. Cooper was prompted, through sincere care and concern for others, to become involved in matters of great consequence to her community; and

WHEREAS, Mrs. Cooper, in 1969, founded Culture in Black and White for the purpose of bringing together a racially mixed group of children, primarily the poor and needy, and thereby initiated a program to provide training in the arts and help reduce the barriers of segregation; and

WHEREAS, we further note the magnificent success of the Culture in Black and White program which has enrolled and lovingly nurtured thousands of young children, many of whom have gone on to rewarding professional careers; and

WHEREAS, Gladys Cooper also was a member of the Mobile Arts Council, a distinguished recipient of the Governor's Award of the Alabama State Council on the Arts, and was named Woman of the Year by the coalition of 100 Black Women; and

WHEREAS, a native of Lafayette, Louisiana, and a graduate of Hampton Institute, Mrs. Cooper was a devout Catholic and the initiator of the Blue Army of Prince of Peace; and

WHEREAS, preceded in death by one of six children, Mrs. Gladys Cooper is survived by her son, Major General Gary Cooper, United States Marine Corps, who is our former colleague in the Alabama House of Representatives and former Commissioner of the State Department of Human Resources; also by her sons A. J. Cooper, Dominic Cooper, and Mario Cooper; by her daughter, Peggy Cooper Cafritz; and other family members and friends, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks for the life of Gladys Mouton Cooper of Mobile, Alabama, and extend our very deepest sympathy to all her family, whose sorrow we share and for whom copies of this resolution of heartfelt condolence shall be provided.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 344, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11.

By Reps. Kennedy, Harper, Zoghby, Turner, Gaston, Kvalheim, Buskey (JE), Box, Clark (W), Marietta, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, and Wright:

H. R. 345. MOURNING THE DEATH OF GLADYS MOUTON COOPER OF MOBILE, ALABAMA.

Also:

The following resolution was introduced:

By Rules Committee:

H. R. 346. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the

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following business, in the order set forth below, be made the special and paramount order of business for the 17th legislative day, Thursday, April 6, 1989, taking precedence over the regular order of business or any pending or unfinished business:

Inst Id	Page
<u>H. 121</u> —By Starkey	6
Solid Waste disposal authorities	
<u>H. 800</u> —By Box	164
Insurance; health and disability rate adjustments to have approval of commissioner; certain information to be filed with department.	
<u>H. 555</u> —By Haynes	83
Abandoned vehicles, procedure for sale alt., hearings estab., Secs. 32-13-1 through 32-13-4 am'd.	
<u>H. 668</u> —By Harvey	120
Utilities, disposition and disbursement of inspection and supervision fees, Sec. 37-4-23 am'd.	
<u>H. 677</u> —By Breedlove (As Amended)	143
Worthless checks, service charge incr. to \$15.00, Secs. 12-17-224, 13A-9-13.1, 13A-9-13.2 am'd.	
<u>H. 360</u> —By Gray	15
Elections, death reports from vital statistics to bd. of registrars, content, Sec. 17-4-131 am'd.	
<u>H. 170</u> —By Carter (As Substituted)	146
Child sexual abuse cases, cert. out-of-court statements may be admissible, evidence of	
<u>H. 54</u> —By Venable (As Amended and Substituted)	155
State employees benefits provided to estab. benefits, Cafeteria Plan, choice of comp or nontax benefits	
<u>H. 125</u> —By Fuller (As Substituted)	31
County commissioners, term alt., Sec. 11-3-1 am'd.	
<u>H. 285</u> —By Logan	22
Lifetime hunting, fishing and combined licenses, fee incr., non-residents not entitle to receive, voiding provision removed	
<u>H. 287</u> —By Fuller (As Substituted)	41
Tax collectors, tax assessors, revenue commissioners, license commissioners, minimum salary reg., population brackets alt., Sec. 40-6A-2 amd.	
<u>H. 288</u> —By Fuller	35
Tax collector, revenue commissioner, tax assessor, license commissioner, fees incr.	

<u>H. 166</u> —By Butler (As Amended)	14
Marriage license, lab test for syphilis, Sec. 22-11A-15 am'd.	
<u>H. 268</u> —By Mikell	82
State officers and employees acting within scope of employment, cap on judgments against	
<u>H. 676</u> —By Breedlove	168
Mowa Choctaw Housing Authority, bd. membership, duties, area of operation alt., Secs. 24-7-1 through 24-7-4 am'd.	
<u>H. 731</u> —By Williams	157
State holidays, Sec. 1-3-8 am'd.	
<u>H. 110</u> —By White (L) (As Amended)	26
Counties, ad valorem taxes collected, investment reg.	
<u>H. 515</u> —By Harper (As Substituted)	65
Mobile Co., new permit req. for Theodore Industrial Park re sewage in Mobile Bay, issued by co. water and sewer bd. and ADEM	
<u>H. 543</u> —By Harper (As Amended)	32
Water and fire protection authority of a county, take over by mun. water and sewer bd. reg.	
<u>H. 404</u> —By Freeman	49
Alabama Workmen's Compensation Self-Insurers Guaranty Association, created	
<u>H. 530</u> —By Buskey (JL) (As Amended)	128
Penny Trust Fund, enabling act	
<u>H. 387</u> —By Buskey (JL)	51
Penny Trust Fund, Established, to be used for public health and public schools, consti. amd.	
<u>H. 679</u> —By Haynes	136
Videocassettes and films, taping and sales of certain, prohib. Secs. 13A-8-80 thru 13A-8-84, 13A-8-86, am'd.	
<u>H. 156</u> —By Turnham	39
Teachers Retirement System, superintendents of education participation upon ratification of const. amendment	
<u>H. 157</u> —By Turnham	40
Superintendent of education, elected, participation in Teachers' retirement system, ca	
On motion of Rep. Carter, the resolution, H. R. 346, was adopted.	

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 548. To provide that any Class I city of the state shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building of structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Also:

H. 583. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton, in Jefferson County.

Also:

H. 662. To amend Article VI, Section 8 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham retirement and relief system, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job have been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the board of managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Also:

H. 710. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended, relating to a pension system for officers and employees of the county so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed

the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER

The House proceeded to the consideration of the Special Order.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to H. B. 121, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Colvin, Crow, Curry, Dillard, Escott, Frazier, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (D), Parker, Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (G), White (L), Willis, Wright and Zoghby.

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And the bill:

H. 121. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility

of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

Was taken up.

SUBSTITUTE OFFERED

Rep. Starkey offered the following substitute to the bill, H. 121:

A BILL TO BE ENTITLED AN ACT

To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4, and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority

in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities, Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority; title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-89A-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"It is hereby found and declared as follows: that the collection, disposal and utilization of solid waste is a matter of grave concern to all citizens and is an activity thoroughly affected with the public interest; that the health, safety and welfare of the people of this state require efficient solid waste collection and disposal service and efficient utilization of such waste; that the need exists to develop alternative energy sources for public and private consumption in order to reduce our dependence on such sources as petroleum products, natural gas, nuclear and hydroelectric generation; that solid waste represents a potential source of solid fuel, oil or gas that can be converted into energy; that technology exists to produce usable energy from solid waste; that there is a need for planning, research, development and innovation in the design, management and operation of facilities for solid waste management, in order to encourage continuing improvement and provide adequate incentives and processes for reducing operation and other costs in the management of solid waste; that a need exists for the demonstration of systems and techniques for materials recovery and reuse of solid waste; that long-term negotiated contracts with users of energy should be utilized as an incentive for the development of facilities for the recovery of energy from solid waste; that there is a shortage of funds available for the provision of solid waste disposal and resource recovery facilities; in order to provide for the collection and disposal of solid waste and to encourage planning of solid waste collection and disposal services and resource recovery through the development of systems for the recovery of material or energy from solid waste, it is necessary and desirable to authorize the creation by counties and municipalities (or any two or more thereof) in the state of authorities which will have the power to issue and sell bonds and notes and using the proceeds of such bonds and notes to acquire and construct such facilities."

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Section 2. Section 11-89A-2 of the Code of Alabama 1975 is hereby amended to read as follows:

“The following words and phrases used in this chapter, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

(1) **APPLICANT.** A natural person who files a written application with the governing body of any county or municipality in accordance with the provisions of section 11-89A-3.

(2) **AUTHORITY.** Any public corporation organized pursuant to the provisions of this chapter.

(3) **AUTHORIZING RESOLUTION.** A resolution or ordinance adopted by the governing body of any county or municipality in accordance with the provisions of section 11-89A-3, that authorizes the incorporation of an authority.

(4) **BOARD.** The board of directors of an authority.

(5) **BONDS.** Bonds, notes or other obligations representing an obligation to pay money.

(6) **COSTS.** As applied to a facility or any portion thereof, such term shall include all or any part of the cost of construction, acquisition, alteration, enlargement, extension, reconstruction, improvement and remodeling of a facility, including all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, permits, approvals, licenses and certificates and interests acquired or used for, in connection with or with respect to a facility, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, underwriters' commissions or discounts, interest prior to, during and for a period of six months following estimated completion of such construction and acquisition, provisions for reserves for both principal and interest and for maintenance, extensions, enlargements, additions and improvements to any facilities then being or theretofore acquired and all other documents authorized by any authority to be paid into any special funds from proceeds of bonds issued by the authority, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing a facility and such other expenses as may be necessary or incident to the construction and acquisition of a facility, the financing of such construction and acquisition and the placing of a facility in operation.

(7) **COUNTY.** Any county in the state.

(8) **DETERMINING COUNTY.** With respect to an authority, any county the governing body of which shall have made findings and determinations of fact pertaining to the organization of such authority in accordance with the provisions of section 11-89A-3.

(9) **DETERMINING MUNICIPALITY.** With respect to an authority, any municipality the governing body of which shall have made findings and determinations of fact pertaining to the organization of such authority in accordance with the provisions of section 11-89A-3.

(10) DETERMINING SUBDIVISION. With respect to an authority, any determining county or determining municipality.

(11) FACILITY. All or any part of either or both of (i) a solid waste disposal facility, and (ii) a resource recovery facility, including all land, rights-of-way, property rights, franchise rights, machinery, equipment, vehicles, furniture, fixtures and all other property, rights, easements and interests necessary or desirable in connection therewith.

(12) GOVERNING BODY. With respect to a municipality, its city or town council, board of commissioners, or other like governing body exercising the legislative functions of a municipality and, with respect to a county, its county commission or other like governing body exercising the legislative functions of a county.

(13) INCORPORATORS. The persons forming a public corporation pursuant to the provisions of this chapter.

(14) MUNICIPALITY. An incorporated municipality in the state.

(15) PERSON. The state, a municipality, a county or any political subdivision or agency of the state or county or a municipality, a public corporation or any private corporation, individual, partnership, trust or foundation.

(16) RESOURCE RECOVERY FACILITY. Such term shall include any land, building, plant, system, facility, equipment or other property, or any combination of either thereof, used or useful or capable of future use in connection with the extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

(17) RECOVERED RESOURCE. Material or energy in any form whatsoever, including but not limited to steam, gas or electricity, which are or may be collected or recovered from or with respect to solid waste.

(18) REVENUES. All rentals, receipts, income and other charges derived or received or to be derived or received by the authority from any of the following: the operation by the authority of a facility or facilities, or part of either thereof; the sale, including installment sales or conditional sales, lease, sublease or use or other disposition of any facility or portion thereof; the sale, lease or other disposition of recovered resources; contracts, agreements or franchises with respect to a facility (or portion thereof), with respect to recovered resources, or with respect to a facility (or portion thereof) and recovered resources, including but not limited to charges with respect to the disposal of solid waste received with respect to a facility, income received as a result of the sale or other disposition of recovered resources; any gift or grant received with respect thereto; proceeds of bonds to the extent of use thereof for payment of principal of, premium, if any, or interest on the bonds is authorized by the authority; proceeds from any insurance, condemnation or guaranty pertaining to a facility or property mortgaged to secure bonds or pertaining to the financing of a facility; and income and profit from the investment of the proceeds of bonds or of any revenues and the proceeds of any special tax to which it may be entitled.

(19) SOLID WASTE. Any garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities.

(20) **SOLID WASTE DISPOSAL FACILITY.** Such term shall include any land, building, plant, system, facility, trucks and other motor vehicles, equipment or other property, whether real, personal or mixed, or any combination of either thereof, used or useful or capable of future use in connection with the collection, storage, treatment, utilization, recycling, processing, transporting or disposal of solid waste, including transfer stations, incinerators, sanitary landfill facilities or other facilities necessary or desirable in connection therewith.

(21) SPECIAL TAX. Any tax which may be levied for the benefit of an authority or any facility owned or operated by it or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the legislature or by the governing body of a county or municipality.

(21 22) **STATE.** The state of Alabama.”

Section 3. Section 11-89A-3 of the Code of Alabama 1975 is hereby amended to read as follows:

“A public corporation may be organized pursuant to the provisions of this chapter in any county or municipality. In order to incorporate such a public corporation, any number of natural persons, not less than three, who are duly qualified electors of ~~the county or the municipality~~, a proposed determining subdivision shall first file a written application with the governing body of ~~such any county or municipality, or any two or more thereof~~, which application shall:

(1) Recite the name of each county and municipality with the governing body of which such application is filed;

(1 2) Contain a statement that the applicants propose to incorporate an authority pursuant to the provisions of this chapter;

(2 3) State the proposed location of the principal office of the authority;

(3 4) State that each of the applicants is a duly qualified elector of the ~~county or the municipality with whose governing body such application is filed~~ determining subdivision (or, if there is more than one, at least one thereof); and

(4 5) Request that the governing body of ~~such county or municipality~~ determining subdivision adopt a resolution declaring that it is wise, expedient, and necessary that the proposed authority be formed, approving its certificate of incorporation and authorizing the applicants to proceed to form the proposed authority by the filing for record of a certificate of incorporation in accordance with the provisions of section 11-89A-4. Every such application shall be accompanied by the form of certificate of incorporation of the proposed authority and by such other supporting documents or evidence as the applicants may consider appropriate.

As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the governing body of the ~~county or the municipality~~ determining subdivision with which the application was filed shall review the contents of the application, and the accompanying form of certificate of incorporation and shall adopt a resolution either denying the application or declaring that it is wise, expedient and necessary and that the proposed authority be formed, approving the form of its certificate of incorporation and authorizing the applicants to proceed

to form the proposed authority by the filing for record of such a certificate of incorporation in accordance with the provisions of section 11-89A-4. The While it shall not be necessary that any such resolution be published in a newspaper or posted, each governing body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such governing body at which final action upon said application is taken."

Section 4. Section 11-89A-4 of the Code of Alabama 1975 is hereby amended to read as follows:

"(a) Within 40 days following the adoption of an authorizing resolution (or, if there is more than one, the last adopted thereof), the applicants shall proceed to incorporate an authority by filing for record in the office of the judge of probate of the county ~~or one of the counties~~ in which the ~~determining subdivision principal office of the authority is to be located~~ a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner provided in this chapter and shall also be in the form theretofore approved by the governing body of each determining subdivision.

(b) The certificate of incorporation of the authority shall state:

(1) The names of the persons forming the authority, and that each of them is a duly qualified elector of the determining subdivision (or, if there is more than one, at least one thereof);

(2) The name of the authority ~~(which shall be "The Solid Waste Disposal Authority of the _____ of _____," with the insertion of the name of the determining subdivision, which may be a name indicating in a general way the area proposed to be served by the authority and shall include the words "Solid Waste Disposal Authority," or "The Solid Waste Disposal Authority of _____," the blank spaces to be filled in with the name of one or more of the determining subdivisions or other geographically descriptive word or words, such descriptive word or words not, however, to preclude the authority from locating facilities or otherwise exercising its powers in other geographical areas)~~, unless the secretary of state shall determine that such name is identical to the name of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty, in which case the incorporators may insert additional identifying words so as to eliminate said duplication or similarity;

(3) The period for the duration of the authority (if the duration is to be perpetual, subject to the provisions of Section 11-89A-21, that fact shall be stated);

(4) The name of ~~the each~~ determining subdivision together with the date on which the governing body thereof adopted ~~the an~~ authorizing resolution;

(5) The location of the principal office of the authority, which shall be within the boundaries of the determining subdivision (or, if more than one, at least one thereof);

(6) That the authority is organized pursuant to the provisions of this chapter; and

(7) If the exercise by the authority of any of its powers hereunder is to be in any way prohibited, limited or conditioned, a statement of the terms of such prohibition, limitation or condition;

(8) The number of members of the board of directors of the authority, which shall be an odd number not less than three, the duration of their respective terms of office (which shall not be in excess of six years) and (subject to the provisions of section 11-89A-6) the manner of their election or appointment;

(9) Any provisions, not inconsistent with section 11-89A-21, relating to the vesting of title to its properties upon its dissolution; and

(7 10) Any other related matters relating to the authority that the incorporators may choose to insert and that are not inconsistent with this chapter or with the laws of the state.

(c) The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgements to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (1) a copy of the application as filed with the governing body of each determining subdivision in accordance with the provisions of section 11-89A-3, (2) a certified copy of the authorizing resolution adopted by the governing body of the each determining subdivision, and (3) a certificate by the secretary of state that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty.

(d) Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The judge of probate shall thereupon send a notice to the secretary of state that the certificate of incorporation of the authority has been filed for record."

Section 5. Section 11-89A-5 of the Code of Alabama 1975 is hereby amended to read as follows:

"The certificate of incorporation of any authority incorporated under the provisions of this chapter may at any time and from time to time be amended in the manner provided in this section. The board shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the authority, the chairman of the board and the secretary of the authority shall sign and file a written application in the name of and on behalf of the authority, under its seal, with the governing body of the each determining subdivision, requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman may consider appropriate. As promptly as may be practicable after the filing of the said application with the governing body of the a determining subdivision pursuant to the foregoing provisions of this section, that governing

body shall review the said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Such governing body While it shall not be necessary that any such resolution be published in a newspaper or posted, the governing body of each determining subdivision with which such application is filed shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon the said application is taken. The certificate of incorporation of an authority may be amended only after the filing of such an application therefor and the adoption by the governing body of each determining subdivision of an approving resolution.

Within 40 days following the adoption by the governing body of the determining subdivision of a resolution approving the proposed amendment (or, if there is more than one, the last adopted of such approving resolutions) the chairman of the board of the authority and the secretary of the authority shall sign, and file for record in the office of the judge of probate with which the certificate of incorporation of the authority was originally filed a certificate in the name of and in behalf of the authority, under its seal, reciting the adoption of said respective resolutions by the board and by the said governing body of each determining subdivision and setting forth the said proposed amendment. The judge of probate for such county shall thereupon record said certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation of an authority shall be amended except in the manner provided in this section."

Section 6. Section 11-89A-6 of the Code of Alabama 1975 is hereby amended to read as follows:

~~"Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization. The board shall consist of three directors who shall be elected by the governing body of the determining subdivision for staggered terms as hereinafter provided. The governing body of the determining subdivision shall specify for which term each director is elected. The initial term of office of one director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the first succeeding odd-numbered calendar year following his election. The initial term of office of another director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M. on January 1 of the second succeeding odd-numbered calendar year following his election. The initial term of the remaining director shall begin immediately upon his election and shall end at 12:00 o'clock, A.M. on January 1 of the third succeeding odd-numbered calendar year following his election. Thereafter, the term of office of each such director shall be four years. If at the expiration of any term of office of any director, a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the determining subdivision. Any officer of the determining subdivision shall be eligible for appointment and may serve as a member of the board for the term for which he is appointed or during his tenure as a municipal officer, whichever expires first, but he shall not receive a fee for his services; provided, however, that at no time shall the board consist of more than one officer of the determining subdivision.~~

~~Each director must be a duly qualified elector of the determining subdivision. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in section 175.~~

(a) Each authority shall have a board of directors composed of the number of directors provided in the certificate of incorporation, as most recently amended; provided, however, that in the case of any authority in existence and incorporated prior to the effective date of that act of the legislature that was introduced at the 1988 Regular Session of the Legislature of Alabama as House Bill 587, the board shall consist of three directors who shall be elected by the governing body of the determining subdivision for staggered terms in accordance with the provisions of law as it existed immediately prior to the aforesaid effective date unless such authority shall otherwise amend its certificate of incorporation pursuant to the provisions of section 11-89A-5. Unless provided to the contrary in its certificate of incorporation, all powers of the authority shall be exercised, and the authority shall be governed, by the board or pursuant to its authorization. Subject to the provisions of the first sentence of this subsection (a) and to the provisions of subdivision (8) of subsection (b) of section 11-89A-4, the board shall consist of directors having such qualifications, being elected or appointed by such person or persons (including, without limitation, the board itself, the governing body or bodies of one or more determining subdivisions or other counties and municipalities, and other entities or organizations) and in such manner, and serving for such terms of office, all as shall be specified in the certificate of incorporation of the authority; provided, however, that no fewer than a majority of the directors shall be elected by the governing body or bodies of one or more of the determining subdivisions and the certificate of incorporation of each authority must contain provisions having this effect. Unless provided to the contrary in the certificate of incorporation of an authority, any officer of any determining subdivision shall be eligible for appointment and may serve as a member of the board for the term for which he is appointed or during his tenure as an officer of such determining subdivision, whichever expires first.

(b) If, at the expiration of any term of office of any director, a successor thereto shall not have been elected or appointed, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected or appointed. If at any time there should be a vacancy on the board, whether by death, resignation, incapacity, disqualification or otherwise, a successor director to serve for the unexpired term applicable to such vacancy shall be elected or appointed by the person or persons who elected or appointed the predecessor director. Each election or appointment of a director, whether for a full term or to complete an unexpired term, shall be made not earlier than 30 days prior to the date on which such director is to take office as such. Any director, irrespective of by whom elected or appointed, shall be eligible for reelection or reappointment.

(c) Each director shall serve as such without compensation but shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. A majority of the directors shall constitute a quorum for the transaction of business, but any meeting of the board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present

at such meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. The board shall hold regular meetings at such times as may be provided in the bylaws of the authority, may hold other meetings at any time and from time to time upon such notice as may be required by the bylaws of the authority, and must upon call of the chairman of the authority or a majority of the total number of directors, hold a special meeting, none of which meetings shall be subject to the provisions of section 13A-14-2 or other similar law. Whenever any notice is required by the bylaws of the authority to be given of any meeting of the board, a waiver thereof in writing, signed (whether before or after such meeting) by the person or persons entitled to such notice, shall be the equivalent to the giving of such notice. Any matter on which the board is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record. All resolutions adopted by the board shall be reduced to writing and signed by the secretary of the authority and shall be recorded in a well-bound book. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

(d) Any director may be impeached and removed from office in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama of 1901 and the general laws of the state for impeachment and removal of the officers mentioned in said section 175."

Section 7. Section 11-89A-8 of the Code of Alabama 1975 is hereby amended to read as follows:

"(a) Every authority shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter, including (without limiting the generality of the foregoing) the following powers:

(1) To have succession in its corporate name for the duration of time (which may be in perpetuity, subject to the provisions of section 11-89A-21 specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions and to defend suit against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this chapter, for the regulation and conduct of its affairs and business;

(5) To acquire, whether by gift, purchase, transfer, foreclosure, lease or otherwise, to construct and to expand, improve, operate, maintain, equip and furnish one or more facilities, including all real and personal properties that its board may deem necessary in connection therewith, regardless of whether or not any such facility shall then be in existence and, if in existence, regardless of whether or not any such facility is then owned or leased by any person to which such facility may subsequently be sold or leased by such authority;

(6) To borrow money and to sell and issue bonds as hereinafter provided for any corporate use or purpose;

(7) To lease to any person or persons all or any part of any facility or facilities that are or are to be owned by it, to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof, all upon such terms and conditions as its board may deem advisable;

(8) To contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of any recovered resources (including but not limited to the granting of options to purchase any recovered resources to any person), all for such consideration and upon such terms and conditions as its board may deem advisable;

(9) To enter into a contract or contracts with any person or persons granting to such person or persons the exclusive right to purchase or acquire from the authority any recovered resources or rights to recovered resources for such period as its board may deem advisable.

(10) To pledge for payment of any bonds issued or assumed by the authority any revenues (including proceeds of any special tax to which it may be entitled) from which such bonds are payable as provided in this chapter, and to mortgage or pledge any or all of its facilities and revenues or any part or parts thereof, whether then owned or received or thereafter acquired or received;

(11) To assume obligations secured by a lien on or secured by and payable out of or secured by a pledge of any facility or facilities or part thereof or the revenues derived from any facility or facilities that may be acquired by the authority;

(12) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which such authority was organized or to exercise any power expressly granted under this chapter;

(13) To enter into contracts with, to accept aid, loans and grants from, to cooperate with, and to do any and all things not specifically prohibited by this chapter or other applicable laws of the state that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this chapter;

(14) To receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this chapter, subject to any lawful condition upon which such aid or contributions may be given or made;

(15) To appoint, employ and contract with such employees and agents, including but not limited to architects, engineers, attorneys, accountants, financial experts, fiscal agents, and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensations;

(16) To enter into a management contract or contracts with any municipality, any county, or any person or persons for the management, supervision or operation of all or any part of its facilities as may in the judgment of such authority be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this chapter;

(17) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its board may deem desirable;

(18) To invest its moneys (including, without limitation, the moneys held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its bonds and proceeds from the sale of any bonds or notes) not required for immediate use in

(a) Any debt securities that are direct, general obligations of the United States of America;

(b) Any debt securities, the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America;

(c) Any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; and

(d) Any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by an authority;

(19) To procure or agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof, or from any private insurance company, of the payment of any bonds issued by such authority, and to pay premiums or fees for any such insurance or guarantees; and

(20) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this chapter.

(b) Any facility or facilities of an authority organized pursuant to determination by a determining municipality may be located within or without or partially within and partially without the determining municipality, subject to the following conditions:

(1) No such facility or part thereof shall be located more than 30 miles from the corporate limits of the determining municipality;

(2) No such facility or part thereof shall be located within the corporate limits of a municipality other than the determining municipality in this state;

(3) No such facility or part thereof shall be located within the police jurisdiction of another municipality in this state unless the governing body of such municipality has first adopted a resolution consenting to the location of such facility or part thereof in the police jurisdiction of such municipality; and

(4) No such facility or part thereof shall be located in a county other than that (or those) in which the determining municipality (or part thereof) is situated unless the governing body of such other county has first adopted a resolution consenting to the location of such facility or part thereof in such county.

(c) Any facility or facilities of an authority organized pursuant to determination by a determining county may be located within or without or

partially within and partially without the determining county, subject to the following conditions:

(1) No part of a facility shall be located more than three miles outside the boundaries of the determining county;

(2) In no event shall any facility or part thereof be located within the corporate limits of a municipality unless the governing body of such municipality has first adopted a resolution consenting to the location of such facility or part thereof in such municipality; and

(3) No such project or part thereof shall be located in a county other than the determining county unless the governing body of such other county has first adopted a resolution consenting to the location of a part of such facility in such other county.

(d) Any facility or facilities of an authority jointly organized pursuant to determinations by two or more determining subdivisions may be located within or without or partially within and partially without the respective determining subdivisions, subject to the following conditions:

(1) No such facility or part thereof shall be located in a county other than (i) that (or those) in which any determining municipality (or part thereof) is situated or (ii) a county that is also a determining subdivision unless the governing body of such other county has first adopted a resolution consenting to the location of such facility or part thereof in such county; and

(2) No such facility or part thereof shall be located within the corporate limits of a municipality other than a determining municipality unless the governing body of such municipality has first adopted a resolution consenting to the location of such facility or part thereof in such municipality.

(e) Nothing herein contained shall be construed as granting to an authority the power to levy any taxes."

Section 8. Section 11-89A-9 of the Code of Alabama 1975 is hereby amended to read as follows:

"(a) Any authority shall have the power to issue, sell and deliver at any time and from time to time its bonds in such principal amount or amounts as its board shall determine to be necessary to provide funds:

(1) To finance the costs of a facility or facilities;

(2) To refund bonds theretofore issued or assumed by the authority;

(3) To provide funds to enable it to achieve any of its other corporate purposes; or

(4) To accomplish any one or more of the objectives referred to in subdivisions (1) through (4).

(b) Any such bonds may be executed and delivered by the authority at any time and from time to time, may be in such form and denominations and of such tenor and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times or times, not exceeding 45 years from the date thereof, may be payable at such place or places whether within or without the state of Alabama, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, and

may contain such provisions not inconsistent with this chapter as shall be provided in the proceedings of the board whereunder such bonds shall be authorized to be issued. If such action shall be deemed advisable by the board, there may be retained in the proceedings under which any of such bonds are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited in the face of such bonds, but nothing contained in this section shall be construed to confer on the authority any right or option to redeem any such bonds except as may be provided in the proceedings under which they shall be issued.

(c) All bonds issued by the authority shall be signed by the chairman of its board or other chief executive officer and attested by its secretary and the seal of the authority shall be affixed thereto, and any interest coupons applicable to the bonds of the authority shall be signed by the chairman of its board or other chief executive officer; provided that a facsimile of the signature of one, but not both of said officers, may be printed or otherwise reproduced on any such bonds in lieu of a manual signature thereon, a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of a manual signature thereon.

(d) Prior to the preparation of definitive bonds, the authority may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(e) All obligations created or assumed and all bonds issued or assumed by the authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of the state, ~~the any determining subdivision, any county or municipality;~~ provided, that the provisions of this subsection shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the authority."

Section 9. Section 11-89A-15 of the Code of Alabama 1975 is hereby amended to read as follows:

"(a) For the purpose of attaining the objectives of this chapter, any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state, a county or municipality may, upon such terms and with or without consideration, as it may determine, do any or all of the following:

(1) Lend or donate money to any authority or perform services for the benefit thereof;

(2) ~~Donate, sell, convey, transfer, lease or grant to any authority, without the necessity of authorization at any election of qualified voters, any property of any kind; and~~

(3) Do any and all things, whether or not specifically authorized in this section, ~~not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with any authority in attaining the objectives of this chapter; and~~

(4) To pay to any authority the proceeds of any special tax appropriated, apportioned or allocated to such authority or to or for the benefit of any facility owned or operated by such authority.

(b) Any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state, a county or municipality are each hereby authorized to enter into a contract or contracts obligating any such entity to dispose of its solid waste, or any part thereof, at a facility or facilities owned or operated by such authority and obligating such county, municipality or other political subdivision, public corporation, agency or instrumentality of the state, a county or municipality to make payments to such authority for such disposal. The terms, provisions and conditions of any such contract or contracts shall be such as a governing body of any such county, municipality or political subdivision, public corporation, agency or instrumentality of the state, a county or municipality deems appropriate. Any such contract or contracts may provide for the continuous disposal of such solid waste from year to year, but for a term not to exceed 45 years. Any costs to any such county, municipality or other political subdivision, public corporation, agency or instrumentality of the state, a county or municipality shall be paid annually out of the general operating funds of any such county, municipality or other political subdivision, public corporation, agency or instrumentality of the state or any county or municipality, and the entering into of such contract or contracts shall not constitute the incurring of a debt by such county, municipality or other political subdivision, public corporation, agency or instrumentality of the state or any county or municipality within the meaning of any constitutional or statutory limitations on debts of the state, the counties or the municipalities."

Section 10. Section 11-89A-19 of the Code of Alabama 1975 is hereby amended to read as follows:

"An authority shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event a board shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of an authority, then any portion, as determined by the board, of the net earnings of an authority thereafter accruing shall may, in the discretion of the board, be paid to one or more of its determining subdivisions."

Section 11. Section 11-89A-21 of the Code of Alabama 1975 is hereby amended to read as follows:

"At any time when an authority has no bonds or other obligations outstanding, its board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the authority shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the judge of probate with which the authority's certificate of incorporation is filed, the authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall, subject to any constitutional prohibition or inhibitions to the contrary, thereupon pass to the determining subdivision vest in one or more counties or municipalities in such manner and interests as may be provided in the said certificate of incorporation; provided, however, that if said certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such properties shall, subject to any constitutional provisions or inhibitions to the contrary, thereupon vest in its determining subdivision, or if such authority shall have more than one

determining subdivision, in its determining subdivisions as tenants in common."

Section 12. The provisions of this act are expressly declared to be severable. If any provision of this act shall be adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this act, and the operation of such judgment shall be limited to the provision of this act directly involved in the action in which such judgment shall have been rendered.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carter, Clark (W), Colvin, Crow, Curry, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Headley, Higginbotham, Hogan, Holmes, Knight, Marks, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Richardson, Sanderford, Slaughter, Spratt, Turner, Venable, Walker, White (F), White (G), White (L), Willis and Wright.

—55

And the bill:

H. 121. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities

owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Lindsey, Logan, Marietta, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

—70

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box Budget Isolation Resolution relating to H. B. 800, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight,

Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Rains Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Zoghby.

—74

And the bill:

H. 800. To require approval by the commissioner of insurance of adjustments in health and disability insurance rates and require that insurance companies file certain information with the insurance department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—82

BUDGET ISOLATION RESOLUTION

On motion of Rep. Haynes, Budget Isolation Resolution relating to H. B. 555, was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Carothers, Carter, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Spratt, Starkey, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—78

And the bill:

H. 555. To amend Sections 32-13-1, 32-13-2, 32-13-3 and 32-13-4, Code of Alabama 1975, which relate to the removal of abandoned vehicles from privately owned property, so as to provide for notice by publication and certified mail to the owner, secured parties or lienholders of the sale of an

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abandoned motor vehicle, and to provide for a hearing if the vehicle is abandoned and should be sold.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hogan, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McKee, Moon, Newman, Parker, Payne, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 555:

Mr. Speaker, Adams, Blake, Clark (W), Colvin, Cosby, Escott, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Kvalheim, Moon, Spratt, Starkey and Williams.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Holley refrained from voting on the bill, H. 555, due to a conflict of interest.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution relating to H. B. 668, was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (L), Williams, Willis, Wright and Zoghby.

—81

And the bill:

H. 668. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of inspection and supervision fees of utilities collected thereunder.

Was taken up.

AMENDMENT OFFERED

Rep. Harvey offered the following amendment to the bill, H. 668:

Amend H. B. 668, page 2, line 29, after the word him by adding the words: "except those funds identified in Title 37-4-88 which are designated for the "Gas Pipeline Safety Fund",

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carothers, Carter, Clark (W), Colvin, Crow, Davis, Escott, Frazier, Fuller, Gaston, Gray, Grouby, Hammett, Haynes, Hogan, Holmes, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Logan, Marietta, Mathis, McKee, Melton, Mikell, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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H. 668 CARRIED OVER

On motion of Rep. Harvey, the bill, H. 668 as amended, was carried over to the eighteenth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Breedlove, Budget Isolation Resolution relating to H. B. 677, was adopted.

Yeas 61; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Box, Breedlove, Buskey (JE), Butler, Carothers, Carter, Colvin, Crow, Curry, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Haynes, Headley, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nays: Reps. Bryant, Bugg, Layson, McDowell and Rogers.

—5

H. 677 CARRIED OVER

On motion of Rep. Breedlove, the bill, H. 677, and pending amendment, were carried over to the eighteenth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gray, Budget Isolation Resolution relating to H. B. 360, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSOR ADDED

Rep. Layson was added as co-sponsor to the bill, H. 360.

And the bill:

H. 360. To amend Section 17-4-131 of the Code of Alabama 1975, relating to death information furnished to boards of registrars, so as to provide further for what information shall be furnished, to provide that said information shall be furnished to all county boards of registrars and to require affected boards of registrars to purge said name from the registration lists within a certain time.

Was taken up.

SUBSTITUTE OFFERED

Rep. Gray offered the following substitute to the bill, H. 360:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 17-4-131 of the Code of Alabama 1975, relating to death information furnished to boards of registrars, so as to provide further for what information shall be furnished, to provide that said information shall be furnished to all county boards of registrars and to require affected boards of registrars to purge said name from the registration lists within a certain time.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-4-131 of the Code of Alabama 1975, is hereby amended to read as follows:

“§17-4-131.

In addition to all other duties now required by law, ~~the several registrars of vital statistics for each of the several registration districts of this state~~

the bureau of vital statistics shall furnish to the board of registrars of the each county in which such district is located, once each month, a report of the death of all persons over 18 years of age who resided in such registration district. Said report shall include the name, address, social security number and birth date of the deceased. Notwithstanding any other provision of law to the contrary, within ninety (90) days of receipt of said death report, any board of registrars having said person on its registration list shall implement the procedure prescribed by law to purge said person from the registration list.

"In addition to all other duties now required by law, the judges of probate of the several counties of this state shall furnish to the board of registrars of their respective counties, once each month, a list of all residents of the county, 18 years of age or over, who have been declared mentally incompetent."

"In addition to all other duties required by law, the clerks of the circuit and district courts of this state shall furnish to the board of registrars of each county, once each month, a list of all residents of that county who have been convicted of any offense mentioned in section 182 of the Constitution of 1901. Any person who willfully fails to perform such duties shall forfeit the sum of \$100.00 for each such failure. Such sum may be recovered in an action by law by any citizen of the county in which the officer acts, one half to his own use and one half to the use of the state."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 79; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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And the bill, H. 360 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes,

Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 347. HONORING OUR COLLEAGUE, A. J. BLAKE OF PELL CITY, AND DESIGNATING HIM AS THE MOST EFFICIENT MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carter, Budget Isolation Resolution relating to H. B. 170, was adopted.

Yeas 86; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

And the bill:

H. 170. (With Substitute): To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances and to define crimes involving child sexual abuse for purposes of this act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This bill shall be entitled "The Child Sexual Abuse Victim Protection Act of 1989."

Section 2. An out-of-court statement made by a child under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined in Section 8 below, which statement is not otherwise admissible in evidence, is admissible in evidence in criminal proceedings, if the requirements of Section 3 are met:

Section 3. An out-of-court statement may be admitted as provided in Section 2, if:

(a) The child testifies at the proceeding, or testifies by means of video tape deposition as provided by Code of Alabama 1975, §15-25-2, or testifies by means of closed circuit television as is provided in Code of Alabama 1975, §15-25-3, and at the time of such testimony is subject to cross-examination about the out-of-court statements; or

(b)(1) The child is found by the court to be unavailable to testify on any of these grounds:

(i) the child's death

(ii) the child's absence from the jurisdiction;

(iii) the child's total failure of memory

(iv) the child's persistent refusal to testify despite judicial requests to do so;

(v) the child's physical or mental disability

(vi) the child's incompetency, including the child's inability to communicate about the offense because of fear or a similar reason; or

(vii) substantial likelihood that the child would suffer severe emotional trauma from testifying at the proceeding or by means of closed circuit television; and

(c) The child's out-of-court statement is shown to the reasonable satisfaction of the court to possess particularized guarantees of trustworthiness.

Section 4. A finding of unavailability under Section 3(b)(1)(vii) must be supported by expert testimony.

Section 4.5. Before a statement may be admitted pursuant to this act on the grounds that the child declarant is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act.

Section 5. The proponent of the statement must inform the adverse party of the opponent's intention to offer the statement and the content of the statement sufficiently in advance of the proceeding to provide the defendant with a fair opportunity to prepare a response to the statement before the proceeding at which it is offered.

Section 6. In determining whether a statement possesses particularized guarantees of trustworthiness under Section 3(b)(2), the court may consider any one or more, but is not limited to, the following factors.

- (a) the child's personal knowledge of the event;
- (b) the age and maturity of the child;
- (c) certainty that the statement was made, including the credibility of the person testifying about the statement;
- (d) any apparent motive the child may have to falsify or distort the event, including bias, corruption, or coercion;
- (e) the timing of the child's statement;
- (f) whether more than one person heard the statement;
- (g) whether the child was suffering from pain or distress when making the statement;
- (h) the nature and duration of any alleged abuse;
- (i) whether the child's young age makes it unlikely that the child fabricated a statement that represents a graphic, detailed account beyond the child's knowledge and experience;
- (j) whether the statement has a "ring of verity," has an internal consistency or coherence, and uses terminology appropriate to the child's age;
- (k) whether the statement is spontaneous or directly responsive to questions;
- (l) whether the statement is suggestive due to improperly leading questions;
- (m) whether extrinsic evidence exists to show the defendant's opportunity to commit the act complained of in the child's statement.

Section 7. The court shall support with findings record any rulings pertaining to the child's unavailability and the trustworthiness of the out-of-court statement.

Section 8. For purposes of this act, "crime involving child sexual abuse" is defined to include the following crimes, when one or more of the victims is a child under 12 years of age:

- (a) rape in any degree;
- (b) sodomy in any degree;
- (c) sexual abuse in any degree;

- (d) sexual misconduct;
- (e) enticing a child to enter a vehicle, room, house, office, or other place, for immoral purposes; and
- (f) any crime involving the production of child pornography.

Section 9. Nothing contained in this act shall be construed to limit to prevent the admissibility of any out-of-court statement that would be admissible if this act did exist.

Section 10. This act applies in cases involving crimes that occur after its effective date. Cases involving crimes that occurred before the effective date of this act are governed by pre-existing law.

Section 11. The provisions of this act are severable. If any part of this act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

And the bill:

H. 170. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Frazier, Freeman, Fuller, Gaston, Goodwin,

REGULAR SESSION
17th Day

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Gray, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 170:

Reps. Beasley, Beers, Blake, Blakeney, Britnell, Bugg, Burke, Butler, Carothers, Colvin, Cosby, Crow, Curry, Ford, Fuller, Gaston, Grouby, Hamilton, Haynes, Headley, Hogan, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Poole, Slaughter, Turner, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

NOTICE IN WRITING

Rep. Hammett filed the following Notice in Writing:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the House Rules to add the following as Rule 60A:

Rule 60A. The chairman of a House standing committee shall take a recorded vote on any motion if requested by a committee member and sustained by one (1) additional committee member.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable Budget Isolation Resolution relating to H. B. 54, was adopted.

Yeas 84; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 54. (With Substitute) (With Amendment): To further provide for state employee benefits; to provide that the State Personnel Board, with the

approval of the Governor, may establish a flexible benefit plan for State employees that will constitute a "Cafeteria Plan" pursuant to 26 U.S.C.A. section 125, Internal Revenue Code, as amended, relating to exclusions from gross income and the reporting thereof, that will provide employees a means of providing themselves medical and other benefits in a tax effective manner by allowing employees a choice between cash compensation and various nontaxable benefits with all money used for benefits under the plan continuing to be treated as before for all other state law purposes, except as herein provided.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To create the Flexible Employee Benefits Board and to provide that such board, with the approval of the Governor, may establish a flexible benefit plan for State employees that will constitute a "Cafeteria Plan" under the Internal Revenue Code of 1986, as amended (Section 125 and any other applicable sections), that will provide employees a means of providing themselves medical and other benefits in a tax-effective manner by allowing employees a choice between cash and qualified benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Findings and Intent: The Legislature finds that private employers have provided their employees with flexible employee benefit plans which provide a savings both to the employer and the employee, and that the State of Alabama, its departments and agencies, may provide the same tax-effective benefits to its employees. It is, therefore, the intent of the Legislature to provide for the establishment of a "Cafeteria Plan" or flexible employee benefit plan in compliance with the Internal Revenue Code of 1986, with every effort being used to utilize the existing resources of the State Comptroller to implement said Plan in conjunction with the Flexible Employees Benefits Board.

Section 2. Definitions: When used in this act, the following terms shall have the following meanings, unless the context clearly indicates otherwise.

Board—The Flexible Employees Benefits Board.

Employee—A person who is employed by the State of Alabama, its agencies, departments, or for a county health department, and who receives his compensation through means of a State warrant drawn upon the State Treasury, or by check drawn by the Alabama State Docks department, or from the Treasury of the Department of Mental Health and Mental Retardation, other than those employees covered by the federal Railroad Retirement Act.

Internal Revenue Code—The Internal Revenue Code of 1986, as amended.

Participating Employee—An employee who elects to participate in the flexible benefit plan and meets the requirements set forth in said plan.

Salary Reduction Agreement—A written agreement between a participating employee and a State agency, department, or county health department, whereby the employee agrees to reduce his salary by a stated amount, or an amount equal to the cost of benefits selected under a flexible employee benefit plan, and the State agency, department, or county health department agrees to contribute such amounts to cover the cost of benefits selected by the participating employee, including related administrative expenses.

Section 3. There is hereby created the Flexible Employees Benefit Board, which shall consist of the members of the State Personnel Board and the director of finance. The individuals presently holding such offices shall constitute the initial membership of the board hereby created, and their successors in office, by virtue of assuming such office, shall succeed to membership on the board. The director of finance may designate a person to attend the meetings from time to time and to vote in his absence.

The board shall elect one of its members as chairman of the board and another as vice chairman and shall also elect a secretary who need not be a member of the board. The chairman, vice chairman and secretary shall serve as such officers at the pleasure of the board. A majority of the members of the board shall constitute a quorum and the affirmative vote of a majority of those members present shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all rights and perform all duties of the board.

Section 4. The board, with the approval of the Governor, is authorized to establish a flexible employee benefit plan for State employees in compliance with Section 125 and any other applicable sections of the Internal Revenue Code. The flexible employee benefit plan may provide for payments or salary reductions for qualified benefits in accordance with Section 125 of the Internal Revenue Code, which presently include health insurance premiums, group life insurance, disability insurance, supplemental health and accident insurance, dependent care expenses, and such other types of employee benefits permitted under Section 125 and any other applicable sections of the Internal Revenue Code.

Section 5. In order to carry out the provisions of the flexible employee benefit plan, the board, the head of each department, agency, or county health department is authorized on behalf of the State to deduct or reduce from salary or wages amounts voluntarily designated by the employees pursuant to salary reduction agreements for purchasing benefits offered under the plan.

Section 6. The board may promulgate rules and regulations concerning the selection of benefits offered and such other rules and regulations as may be required for the effective administration of this act.

Section 7. In the event the board adopts and implements a flexible employee benefit plan which includes the offering of benefits in addition to health insurance premiums, the board is authorized to pay administrative expenses related to the plan, said funds being derived from general appropriation and/or by fees charged to the participating employees.

Section 8. The board is authorized to establish such funds in the State treasury as are necessary to administer said plan and may deposit as necessary in such fund or funds employee payments, amounts deducted pursuant to salary reduction agreements, and administrative fees and appropriations, if any. The board shall designate a custodian of said fund or funds who shall

be authorized to make deposits into and payments therefrom in accordance with rules and regulations adopted by said board.

Section 9. The amount by which a State employee's salary or wage is reduced pursuant to a salary reduction agreement authorized by this act shall continue to be included as earnable compensation for the purpose of computing benefits under the State Employees Retirement System and/or the Teachers Retirement System.

Section 10. The board and the head of each department, agency, or county health department, and their employees shall not incur any liability to any employee for errors or omissions in the performance of any agreement authorized by this act.

Section 11. Counties, municipal corporations, county school boards and other political subdivisions in this State shall continue to have the authority to adopt flexible benefit plans for their employees, in accordance with the Internal Revenue Code, upon the adoption of any necessary local enabling ordinance or resolution.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 87; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend the substitute for H. B. 54 as follows:

On page 2, line 31, between the first words "of" and "the" on said line insert the following: the executive director of the Alabama State Employees Association,

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

And the bill:

H. 54. To create the Flexible Employee Benefits Board and to provide that such board, with the approval of the Governor, may establish a flexible benefit plan for State employees that will constitute a "Cafeteria Plan" under the Internal Revenue Code of 1986, as amended (Section 125 and any other applicable sections), that will provide employees a means of providing themselves medical and other benefits in a tax-effective manner by allowing employees a choice between cash and qualified benefits.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 54:

Reps. Adams, Beers, Biddle, Blake, Blakeney, Bugg, Burke, Butler, Campbell, Carothers, Carter, Colvin, Cosby, Crow, Curry, Davis, Frazier, Gaston, Goodwin, Gray, Grouby, Harvey, Haynes, Headley, Higginbotham, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, White (F), Williams, Willis, Wright and Zoghby.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Fuller, the Budget Isolation Resolution and the bill, H. 125, were carried over to the eighteenth legislative day.

ADJOURNMENT

On motion of Rep. Frazier and pursuant to the resolution, H. R. 339, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April, 11, 1989.

EIGHTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 11, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Mike Pope, Asbury Methodist Church, Albertville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Charles Graham, Randolph High School, Huntsville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventeenth legislative day was approved.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 348. COMMENDING THE AUBURN UNIVERSITY LADY TIGERS ON THEIR OUTSTANDING ACCOMPLISHMENTS OF THE 1988-89 BASKETBALL SEASON.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 170. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

TOMMY CARTER,
Chairman.

And the bill, H. 170 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 264. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste

collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; to provide for the powers and duties of solid waste officers; to provide that failure to comply with the provisions of the article shall constitute a public nuisance; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

TOMMY CARTER,
Chairman.

And the bill, H. 264 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 121. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to

an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

TOMMY CARTER,
Chairman.

And the bill, H. 121 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 54. To create the Flexible Employee Benefits Board and to provide that such board, with the approval of the Governor, may establish a flexible benefit plan for State employees that will constitute a "Cafeteria Plan" under the Internal Revenue Code of 1986, as amended (Section 125 and any other applicable sections), that will provide employees a means of providing themselves medical and other benefits in a tax-effective manner by allowing employees a choice between cash and qualified benefits.

TOMMY CARTER,
Chairman.

And the bill, H. 54 as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Campbell:

H. R. 349. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 11, 1989, we adjourn to meet again on Thursday, April 13, 1989, at 10:00 A. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 349, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 305. MOURNING THE DEATH OF RUFUS WHITE OF POLLARD, ALABAMA.

Also:

H. J. R. 338. RELATIVE TO MEETING DAYS.

McDOWELL LEE,
Secretary.

LEAVE OF ABSENCE

At the request of Rep. McDowell, leave of absence was granted for Rep. McClain.

At the request of Rep. White (G), leave of absence was granted for Rep. Seibels.

At the request of Rep. Marks, leave of absence was granted for Rep. Dillard.

At the request of Rep. Carter, leave of absence was granted for Rep. Coburn.

BILLS ON SECOND READING

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 951. Relating to the Alabama Mental Health Finance Authority created by Act No. 88-475, H. 747, Regular Session 1988 (as now appearing as Sections 41-10-350 through 41-10-371, Code of Alabama 1975); to amend Sections 3, 4, and 15 and to further amend Section 2 of said Act No. 88-475 so as to: further define the term "Oversight Commission"; to change certain erroneous references to the "Oversight Committee" to read correctly the "Oversight Commission"; and to require that all expenditures of the Authority must have the prior approval of the Oversight Commission.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 526. (With Substitute) (With Amendment): To amend section 27-21A-1, Code of Alabama 1975, providing for certain definitions relating to health maintenance organizations; to provide investment qualifications, asset valuation methods, nonadmissible assets, and percentage limitations for the investment of the funds of health maintenance organizations; to provide for liabilities to be charged against the admissible assets of the health maintenance organizations; to provide for increased net worth requirements for HMO's; to increase the minimum net worth requirements on

HMO's; to increase the minimum net worth requirements on a graduated basis for currently licensed health maintenance organizations, to set out the paid-in assets in the determination of financial condition; to require an open enrollment period for the enrollees of an insolvent HMO to choose another insurer for their group health care plan; to increase the statutory deposit requirements; to require all provider contracts be deemed to include a "hold-harmless" clause that the enrollee will not be liable for the unpaid health care expenditures of an HMO in the event of insolvency except for applicable copayments; to require licensed HMO's maintain a cash account, insurance or guaranty to cover the unpaid expenses of an HMO in the event of insolvency and provide for the continuation of benefits for the contract period for which premiums have been paid; to increase the responsibilities and powers of a rehabilitator of an insolvent health maintenance organization; to require an open enrollment period, replacement coverage, and substitute coverage for enrollee of an insolvent health maintenance organization; and to repeal sections 27-21A-11, 27-21A-12 and 27-21A-19, Code of Alabama 1975.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 124. To amend Section 22-6-8, Code of Alabama 1975, which relates to the revocation of the Medicaid eligibility of certain recipients, so as to institute procedure whereby a pregnant woman who has been suspended from the Medicaid program for abuse, fraud or misuse can have her suspended status changed to restricted status so that pregnancy related services only can be received for her unborn child.

S. 191. To authorize the Alabama Medicaid Agency to contract with a central source, for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed three years.

H. 937. To amend further section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 79. (With Substitute) (With Amendments): To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to

provide for an effective date; and to provide for other matters relative to the foregoing.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 791. To provide further for any contract or policy of insurance or any plan or agreement for health services providing for reimbursement or payment for health services performed by any health care practitioner.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 451. Relating to Pike County, to authorize the county board of health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

S. 472. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

H. 717. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

H. 807. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds; so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

H. 808. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

H. 812. Relating to Crenshaw County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

H. 923. Relating to Pike County; authorizing the Pike County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county

commission to enter into service contracts for county fire protection; and expressing legislative intent regarding said contracts.

H. 941. Relating to Clay County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Clay County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

H. 947. To amend the title and sections 1, 2, 3, 4, and 5 of Act No. 54, H. 378, approved June 28, 1965 (Acts 1965, p. 75), which provides for a junior college and trade school scholarship program for residents of Franklin County, Alabama, so as to provide for a community college scholarship program for such residents and for the manner of awarding such scholarships.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 949. (With Amendment): To amend Section 6 of Act No. 515, H. 756, approved September 14, 1963 (Acts 1963, p. 1100), which levied a tobacco tax in Franklin County, Alabama, so as to provide further for the disposition of the proceeds of the revenue from such tax.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 890. To remove certain property from within the municipal limits of Bear Creek in Marion County.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 948. (With Amendment): Relating to Marion County, to amend Act No. 79-259, H. 665 of the 1979 Regular Session (Acts of 1979, p. 399) pertaining to the county commission's authority in regard to constructing and maintaining certain roads and driveways, so as to grant said authority to municipalities located in Marion County.

RESOLUTION

The following resolution was introduced:

By Reps. Marietta, Gaston, Zoghby, Box, and Harper:

H. J. R. 350. COMMENDING GEORGE E. DIXON FOR OUTSTANDING SERVICE TO LOCAL UNION 505, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS.

WHEREAS, the Alabama Legislature notes with commendation the distinguished tenure of George E. Dixon of Mobile as business manager-financial secretary of Local Union 505, International Brotherhood of Electrical Workers (IBEW); and

WHEREAS, we further note that Mr. Dixon's service as business manager of an IBEW Local, 1971 to his retirement in 1989, is the longest such tenure of any other in the State of Alabama; and

WHEREAS, in additional prestigious service to Local Union 505 and IBEW, George Dixon served on the Council of Industrial Relations from 1978 through 1982; was a delegate from Local Union 505 to six IBEW International Conventions; and served, in 1986, on the EWBA Resolutions Committee; and

WHEREAS, he also was elected in November 1988 to the State Democratic Committee, and in 1988 and 1952 to the county committee; and

WHEREAS, George Dixon, who was born December 14, 1923, was married on April 4, 1949, to Elouise Gregory; they are the parents of two sons and a daughter, and the grandparents of two granddaughters and three grandsons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend George E. Dixon for outstanding service to Local Union 505, International Brotherhood of Electrical Workers, and do further direct that he receive a copy of this resolution of highest honor and regard.

On motion of Rep. Marietta, the rules were suspended and the resolution, H. J. R. 350, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Fuller and Laird (With Notice and Proof):

H. 958. Relating to Chambers County; providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 958, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Fuller and Laird (With Notice and Proof):

H. 959. Relating to Chambers County, authorizing the county commission to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow it to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county, and authorizing the county commission to promulgate all necessary

or appropriate rules and regulations for the implementation and enforcement of the act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 959, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Fuller and Laird (With Notice and Proof):

H. 960. To levy and impose on lessors or renters of tangible personal property in Chambers County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property to be deposited into the general fund of the county treasury for the use of Chambers County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 960, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Fuller and Laird (With Notice and Proof):

H. 961. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 961, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Fuller:

H. 962. To amend Section 10-4-106 of the Code of Alabama 1975, relating to health care service plans so as to provide for periods of open enrollment to be offered to all Alabamians without evidence of insurability.

Committee on Insurance.

By Rep. Johnson (RG):

H. 963. To amend Section 36-23-1, Code of Alabama 1975, relating to constables, so as to provide certain qualifications for constables, to provide for abolishing the office by local referendum and to provide for the removal of constables from office in certain instances.

Committee on Health.

By Rep. Cosby:

H. 964. Relating to the corporate powers of health care authorities now or hereafter organized or reincorporated pursuant to the provisions of Act

No. 82-418 enacted at the 1982 Regular Session of the Legislature, as amended by the provisions of Act No. 87-745 enacted at the 1987 Regular Session of the Legislature (Article 11 of Chapter 21 of Title 22 of the Code of Alabama 1975, as amended); to empower any such health care authorities to participate as a shareholder in a corporation, as a joint venturer in a joint venture, as a partner in a limited partnership or general partnership, as a member in a non-profit corporation, or as a member in any other lawful form of business organization, which provides health care or engages in activities related thereto; to empower any such health care authorities to provide financing for, to guarantee loans for and to perform other actions for such corporations, joint ventures, partnerships, non-profit corporations or other lawful forms of business organization, to empower any such health care authorities to establish, acquire, operate and support subsidiaries, affiliates and non-affiliates, either for profit or not for profit; and to empower any such health care authorities to indemnify directors or officers or former directors or officers of such health care authorities, or any person who may have served at the request of such health care authority as a director or officer of another corporation of which such health care authority is a member, owns shares of capital stock or is a creditor.

Committee on Health.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 965. Relating to Lee County; providing that the Lee County Commission shall be authorized to levy sales and use taxes outside the corporate limits of the Cities of Auburn and Opelika generally paralleling the state sales and use taxes but limited in amount as set out herein, with the same exemptions and exclusions; providing for the collection of such tax by the State Department of Revenue; providing for the distribution and use of the proceeds; and repealing Act No. 88-400, H. 886, 1988 Regular Session.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 965, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Biddle (With Notice and Proof):

H. 966. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 966, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Adams, Laird, Holley, Fuller, Turner, Hammett, Cosby, Logan, Harvey, McMillan, Flowers, and Wright:

H. 967. To levy a state fee on out-of-state users of commercial sites for the disposal of hazardous waste or hazardous substances; to provide for

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the distribution of said fees; to define certain terms; and to provide for penalties for non-compliance.

Committee on Ways and Means.

By Rep. Clark (W):

H. 968. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and to provide criminal sanctions for violating the provisions of this act.

Committee on Insurance.

By Rep. Harvey:

H. 969. To authorize any quasi-public or private hospital which was previously a public hospital to give cost-of-living increases to any retiree of the employee's retirement system who was employed by any such hospital when it was a public hospital and who was a member of the employees' retirement system during such employment; and to provide that such cost-of-living increases may be granted from certain foundation or trust funds established from hospital earnings during the time the hospital was a public facility.

Committee on Local Government.

By Rep. Breedlove (With Notice and Proof):

H. 970. Relating to Washington County, providing further for the compensation of the district judge.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 970, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Lindsey:

H. 971. To amend Section 12-18-110, Code of Alabama 1975, relating to the transfer of contributions and creditable service from the employees' retirement system and/or the teachers' retirement system to the judicial retirement system, so as to extend the eligibility period for probate judges.

Committee on Ways and Means.

By Rep. Lindsey (With Notice and Proof):

H. 972. Relating to the City of Centre in Cherokee County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for cumulative voting for council members; providing for the elimination of run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 972, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Lindsey (With Notice and Proof):

H. 973. Relating to Cherokee County; to authorize a local citation fee for license inspector citations personally served by the license inspector, and to provide for the distribution of said fee.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 973, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grouby (With Notice and Proof):

H. 974. Relating to Autauga County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the tax assessor and tax collector to said probate office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 974, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grouby:

H. 975. To allow part time legislative employees who work on a regular basis when the legislature of Alabama is in session to make an additional contribution into the State of Alabama Employee's Retirement System Fund for additional credit towards retirement.

Committee on Ways and Means.

By Reps. McClain and Petelos (With Notice and Proof):

H. 976. Providing further for the powers and duties of the mayor of the city of Fairfield, Jefferson County, Alabama; and providing for an advisory referendum.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 976, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

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By Reps. Petelos and McClain (With Notice and Proof):

H. 977. To provide for the election procedures of the members of the City of Fairfield City Council, Jefferson County, Alabama, by single-member districts and one at-large member; to further provide for the residency qualifications and the manner of filling a vacancy; to require certification of any ordinance together with a map or plat of the district boundaries and the filing of such documents by the city clerk in the office of the judge of probate; to provide for an advisory referendum; and to repeal conflicting laws.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 977, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holley (With Notice and Proof):

H. 978. Relating to redeeming lands for taxes in Coffee County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 978, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holley (With Notice and Proof):

H. 979. Relating to collection and distribution of casual sales and use taxes in Coffee County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 979, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holley (With Notice and Proof):

H. 980. Relating to Coffee County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the Revenue Commissioner to the Probate Judge requiring an additional bond of the Probate Judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 980, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 981. To amend Chapter 18, Title 40, Code of Alabama 1975, to correct clerical errors in citations to the United States code, to provide increase conformity with the current federal Internal Revenue Code by amending sections 40-1-44, 40-18-1, 40-18-1.1, 40-18-6, 40-18-8, 40-18-11, 40-18-13, 40-18-14, 40-18-15, ~~40-18-30~~, 40-18-35, and 40-18-44, and to allow a limited deduction for certain child care expenses.

Committee on Ways and Means.

By Rep. Harper:

H. 982. To amend Chapter 18, Title 40, Code of Alabama 1975, to provide conformity with the current federal Internal Revenue Code by amending sections 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170, by adding new sections 40-18-174 and 40-18-175, altering the income tax treatment of resident Alabama S corporation shareholders to more closely conform to partnership income tax rules, and allowing the filing of composite tax returns on behalf of nonresident shareholders.

Committee on Ways and Means.

By Rep. Harper:

H. 983. To amend Code of Alabama, 1975, Section 40-23-4.1 relating to the sales tax exemption for prescription drugs by clarifying previous legislative intent regarding the sales of drugs to hospitals. This clarification does not constitute a change in, but is declaratory of, pre-existing law.

Committee on Ways and Means.

By Rep. Moon (With Notice and Proof):

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 984, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 985. To Amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances.

Committee on Ways and Means.

By Rep. Lindsey (With Notice and Proof):

H. 986. Relating to Cherokee County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Leesburg, in Cherokee County, Alabama

Committee on Local Legislation.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 986, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (G) (With Notice and Proof):

H. 987. To grant the City of Homewood the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 987, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Petelos:

H. 988. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to submit said plan to the Legislature not later than the fifth legislative day of the 1991 regular session; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act, except for those facilities which accept or propose to accept solid waste generated solely in the State of Alabama and counties which are contiguous to the State of Alabama.

Committee on Judiciary.

By Rep. Harper:

H. 989. To amend Act No. 88-872 of the 1988 First Special Session to impose a prevailing rate fee on hazardous waste generated outside the State of Alabama.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Biddle:

H. R. 351. COMMENDING AND DESIGNATING FRIENDS OF ALABAMA LIBRARIES AS "LIBRARY ORGANIZATION OF THE YEAR" IN ALABAMA.

WHEREAS, Friends of Alabama Libraries recently sponsored "A Day at the State House" that featured visits with legislators and an evening Legislative Reception honoring Alabama's Legislature; and

WHEREAS, Friends of Alabama Libraries has completed a series of ten workshops throughout the state in order to bring better services to Alabama's library patrons; and

WHEREAS, Friends of Alabama Libraries will spearhead a delegation going to Washington D.C. on April 10-12 to take part in National Library Day sponsored by the American Library Association and co-sponsored by Friends of Alabama Libraries; and

WHEREAS, Friends of Alabama Libraries has appointed Helen and Governor Guy Hunt, along with Marcia and Lt. Governor Jim Folsom, "Honorary Librarians" with all the rights and privileges of the appointing agency; and

WHEREAS, Friends of Alabama Libraries has received the Award of Meritorious Service from the United American Veterans for furthering the educational opportunities of Alabama citizens; and

WHEREAS, the Friends of Alabama Libraries was honored by the Alabama Library Association with its Citation of Merit Award; and

WHEREAS, the Friends of Alabama Libraries was awarded the Distinguished Service Award from the Library and Media Professionals for outstanding service "over an extended period of time"; and

WHEREAS, Friends of Alabama Libraries has been certified as an official Alabama reunion participant; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby most heartily commend and congratulate Friends of Alabama Libraries for outstanding accomplishment, and respectfully name and designate Friends of Alabama Libraries as "Library Organization of the Year" in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Friends of Alabama Libraries board that they may know of our high esteem and warmest personal regard.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. R. 351, was adopted.

Also:

By Rep. Hammett:

H. R. 352. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That pursuant to Notice in Writing previously filed, the Rules of the House are hereby amended to add a new rule as follows:

Rule 60A. The chairman of a House standing committee shall take a recorded vote on any motion if requested by a committee member and sustained by one (1) additional committee member.

On motion of Rep. Hammett, the resolution, H. R. 352, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. McClain and Kennedy:

H. R. 353. COMMENDING REVEREND JULIUS L. SCIPIO AS MEN AND WOMEN'S DAY SPEAKER MILES CHAPEL CME CHURCH.

Also:

The following resolution was introduced:

By Reps. Hooper and Cosby:

H. J. R. 354. DESIGNATING "MANAGEMENT WEEK IN ALABAMA."

WHEREAS, the week commencing June 5, 1989, has been designated by the National Management Association as Management Week; and

WHEREAS, the National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers; and

WHEREAS, in the past, the management profession has significantly contributed to the strength and vitality of this country's economy, and in the future such skills will be particularly essential as we strive to strengthen and revitalize the economy of the State of Alabama; and

WHEREAS, the twenty Alabama Chapters of the National Management Association, with approximately 5,000 members, will join with other managers nationwide to honor the role and achievements of managers in our society during Management Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby designate the week commencing June 5, 1989, as Management Week in Alabama, and call upon the citizenry to recognize and participate in the observance of this worthy occasion.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 354, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit;

H. J. R. 305. MOURNING THE DEATH OF RUFUS WHITE OF POLLARD, ALABAMA.

Also:

H. J. R. 338. RELATIVE TO MEETING DAYS.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicity read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced:

By Reps. Grayson, Butler, Hall, Sanderford, Brooks, Buskey (JE), and Freeman:

H. J. R. 355. COMMENDING WILLIE MAE BUTLER OF HUNTSVILLE, ALABAMA, ON HER OUTSTANDING ACHIEVEMENTS.

WHEREAS, the Alabama Legislature has learned of the numerous and notable achievements of Willie Mae Butler, Professor of Physical Education and Recreation at Alabama A&M University, and it is with sincere regard that this body note these distinguished accomplishments; and

WHEREAS, Willie Mae Butler received her B. A. degree from Oberlin College and her M. A. degree from the University of Wisconsin at Madison and she has published or authored publications and research, on females in sports and comparative analysis, which are too numerous to list here, and her awards and many honors for professional and voluntary work with public education, special olympics at the local, state and international levels, and sports are extraordinary and have earned her the admiration and respect of those with whom she comes in contact; and

WHEREAS, Willie Mae Butler has professional listings in "The World of Who's Who of Women In Education," "Outstanding Educators of America" and "Personalities of the South" she has held office in many academic and professional organizations and is a charter member of the National Association of Physical Education in Higher Education and Southern District; Historically Black Colleges and University (AAHPERD), and holds membership in the U.S. Olympic Committee, the National Education Association, Spelman College Alumnae Association, the John Heisman Club and many other prestigious organizations; and

WHEREAS, Willie Mae Butler has demonstrated her keen intellect and unique skills in many endeavors associated with youth, perhaps one of her most coveted honors is being the first female inducted into the Athletic Booster's Club "Sports Hall of Fame" in 1989; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Willie Mae Butler for all of her outstanding achievements and in particular for being inducted into the Athletic Booster's Club "Sports Hall of Fame" and her extraordinary service to youth and education through sports and athletics.

RESOLVED FURTHER, That a copy of this resolution be given to Willie Mae Butler so that she may know of our high regard and best wishes for all future endeavors.

On motion of Rep. Grayson, the rules were suspended and the resolution, H. J. R. 355, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 356. MOURING THE DEATH OF ROBERT KENNON DOGGETTE, CHOCTAW COUNTY, ALABAMA.

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Also:

The following resolution was introduced:

By Rep. Payne:

H. J. R. 357. CONGRATULATING THE ERWIN HIGH SCHOOL FOOTBALL TEAM AS THE AREA 10 CHAMPIONS.

WHEREAS, the Legislature of Alabama, in highest commendation, notes that the Erwin High School Football team has won the Area 10 Championship; and

WHEREAS, with an incredible overall record of 10-2, the 1988 Erwin Eagles were the first team in the school's history to make the second round of the State playoffs; and

WHEREAS, averaging 26 points per game, with two impressive fourth-quarter come from behind victories over Mountain Brook and Pell City, the Eagles soared to its first 10 win season; and

WHEREAS, under the talented leadership of Head Coach Larry Farris and Assistant Coaches Hal Riddle, Johnny Metcalf, Bill Scruggs, Chris Moss, Jeff Estes, Keith Luker and Ed Franks, the team boosted performances that clearly reflected the dedication and will-to-win spirit of the ferocious Eagles; and

WHEREAS, the Erwin Eagles are All-State Dewayne Roberts, who has signed with Samford University, All-Metro Derek Weaver, who signed with the University of North Alabama and All-Metro Jason Gordon along with teammates Jon Chesser, Sean McCombs, Marty Smith, Chris Elmore, Shawn Marbut, Xavier Hunter, Robbie West, Jody Duncan, Bubba Ray, Phillip Sapp, Ethen Quarles, Kevin Moss, Chris Wilson, David Murray, Mike Coalson, Brad Condray, Jason Farris, Jay Williams, Shane McKee, Matt Winther, Chris Norman, John Totten, Keith Blanton, John Creel, Donnie Hicks, Hunter Hudson, James Burge, Scott Walker, Jay Wigley, Chris Horn, Kyle Davis, Keith Walker, Jay Bates, Sam Rich, Craig Dudley and Wallace Rutledge; and

WHEREAS, also to be praised for their support and encouragement throughout the season are cheerleaders Molly Myers, Karen Sykes, Misi Smith, Paige Hope, Brandi Gibbs, Jennifer Wilder, Beth Sanders, Jessica Wilson, Kristi Glasscox, Jeanie Plott, Lori Robinson, Krista Thompson, Stacey Carrigan, Jennifer Wilson and Nikki Windham as well as sponsor Jeanette Mizerany; those serving as managers were Mark Reynolds, Chris Evans, Max Bender and Matt Thomas; the team statistician was Gordon Harvey; the team trainer was Mike Roberts and the team chaplain was Robbie Robison; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the Erwin High School Eagles and do further direct that copies of this resolution be forwarded to Principal Mike Burkett and Head Coach Larry Farris for appropriate presentation and school display.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 357, was adopted.

MOTION TO DIRECT COMMITTEE ACTION LOST

Having filed the Notice in Writing on the seventeenth legislative day, Rep. Johnson (RW) offered the motion to direct the Standing Committee on Public Utilities and Transportation to act on the bill, H. 524, and report the same at the next sitting of the House, and the motion was lost.

Yeas 17; Nays 52.

Yeas:

Reps. Bowling, Box, Breedlove, Buskey (JE), Crow, Curry, Frazier, Gray, Grayson, Hall, Hogan, Johnson (RW), Layson, McDowell, Newman, Poole and Wright.

—17

Nays:

Reps. Adams, Beasley, Beers, Blake, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Clay, Cosby, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Payne, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turnham, Warren, White (F), White (G), White (L), Willis and Zoghby.

—52

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Layson:

H. R. 358. COMMENDING MARTHA CROCKER, REFORM, ALABAMA, CITIZEN OF THE YEAR.

Also:

By Rep. Grayson:

H. R. 359. COMMENDING WILLIE MAE BUTLER OF HUNTSVILLE, ALABAMA, ON HER OUTSTANDING ACHIEVEMENTS.

NOTICE IN WRITING FILED

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, I shall move that the Standing Committee on Public Utilities and Transportation be directed to act on House Bill 524 and report the same at the next sitting of the House.

Filed this the 18th Legislative day immediately after the call of the districts pursuant to House Rule 52.

H. 769 RE-COMMITTED

On motion of Rep. Hall, the Speaker re-committed the bill, H. 769, from the calendar to the Standing Committee on Local Legislation No. 4.

H. 817 RE-COMMITTED

On motion of Rep. Hall, the Speaker re-committed the bill, H. 817, from the calendar to the Standing Committee on Local Legislation No. 4.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution relating to S. B. 512, was adopted.

Yeas 47; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Clay, Curry, Gaston, Goodwin, Gray, Grouby, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Penry, Richardson, Sanderford, Slaughter, Starkey, Turnham, Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 512. Relating to Marengo County, Alabama; further providing for the procedure for redeeming lands sold for taxes in such counties; and transferring certain duties of the probate judge to the revenue commissioner.

Was read a third time at length and passed.

Yeas 51; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Clay, Crow, Curry, Drake, Gaston, Goodwin, Grouby, Hamilton, Harper, Headley, Higginbotham, Hill, Hogan, Hooper, Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Richardson, Rogers, Sanderford, Slaughter, Starkey, Turnham, Willis and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Breedlove, Budget Isolation Resolution relating to S. B. 513, was adopted.

Yeas 50; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Clay, Colvin, Crow, Curry, Drake, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marks, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Richardson, Sanderford, Slaughter, Starkey, Turnham and Willis.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 513. Relating to Washington County; providing certain additional salary supplements for the two circuit judges that preside over the circuit court in said county.

Was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Carter, Clay, Colvin, Crow, Curry, Drake, Ford, Gaston, Goodwin, Grayson, Grouby, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, Moon, Newman, Newton (C), Parker, Payne, Richardson, Rogers, Sanderford, Slaughter, Starkey, Turnham, Willis and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution relating to S. B. 514, was adopted.

Yeas 53; Nays 1.

Yeas:

Reps. Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Carter, Clay, Colvin, Crow, Curry, Gaston, Goodwin, Grouby, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C),

Parker, Payne, Penry, Richardson, Rogers, Sanderford, Slaughter, Starkey, Turnham, Willis and Zoghby.

—53

Nay: Rep. Grayson.

—1

And the bill:

S. 514. Relating to Marengo County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Was read a third time at length and passed.

Yeas 57; Nays 1.

Yeas:

Reps. Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Colvin, Crow, Curry, Flowers, Ford, Gaston, Goodwin, Hamilton, Harper, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Richardson, Rogers, Sanderford Slaughter, Starkey, Turnham, Williams, Willis and Zoghby.

—57

Nay: Rep. Grayson.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to S. B. 568, was adopted.

Yeas 49; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Carter, Clay, Colvin, Drake, Ford, Gaston, Goodwin, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kvalheim, Laird, Layson, Lindsey, Logan, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Payne, Penry, Richardson, Rogers, Sanderford, Starkey, Turnham, Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 568. Relating to Clay County; granting to the Clay County Commission the authority, if they so desire or deem necessary, to levy an additional

sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the implementation of this act.

Was read a third time at length and passed.

Yeas 55; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Carter, Colvin, Curry, Drake, Ford, Gaston, Goodwin, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Richardson, Rogers, Sanderford, Starkey, Turnham, Walker, White (F) and Willis.

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to S. B. 571, was adopted.

Yeas 56; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Carter, Colvin, Curry, Drake, Gaston, Goodwin, Grayson, Grouby, Hamilton, Haynes, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Perdue, Richardson, Rogers, Sanderford, Starkey, Turnham and Willis.

—56

And the bill:

S. 571. Relating to Randolph County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Was read a third time at length and passed.

Yeas 56; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Carter, Clay, Curry, Drake, Ford, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, Mathis, McKee,

McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Richardson, Rogers, Sanderford, Starkey, Turnham, Willis and Zoghby.

—56

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Headley, the Budget Isolation Resolution and the bill, H. 811, were carried over to the 19th legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blake, Budget Isolation Resolution relating to H. B. 881, was adopted.

Yeas 59; Nays 0.

Yeas:

Reps. Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clay, Colvin, Crow, Drake, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Richardson, Sanderford, Starkey, Turnham, Williams, Willis and Zoghby.

—59

And the bill:

H. 881. (With Amendment): Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in St. Clair County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 881, Page 1, in the Synopsis, Line 9 after the word "on" by inserting the following:

out-of-state

Further amend H. B. 881, Page 1, in the Title, Line 19, after the word "on" by inserting the following:

out-of-state

Further amend H. B. 881, Page 1, Section 1, Line 29, after the word "on" by inserting the following:

out-of-state

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Carter, Clay,

Colvin, Cosby, Crow, Drake, Ford, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Richardson, Rogers, Sanderford, Starkey, Turnham, Williams, Willis and Zoghby.

—61

And the bill:

H. 881. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on out-of-state solid waste disposed of in St. Clair County.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clay, Colvin, Cosby, Crow, Drake, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Rogers, Sanderford, Starkey, Turner, Turnham, White (G), Williams, Willis, Wright and Zoghby.

—74

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution relating to H. B. 886, was adopted.

Yeas 56; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Clay, Colvin, Crow, Drake, Gaston, Goodwin, Grayson, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Kvalheim, Lindsey, Logan, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Richardson, Rogers, Sanderford, Starkey, Turnham, White (F) and Willis.

—56

And the bill:

H. 886. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection in Choctaw County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 65; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clay, Colvin, Crow, Flowers, Ford, Frazier, Gaston, Goodwin, Gray, Grayson, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Richardson, Sanderford, Starkey, Turnham, White (F), White (L), Williams and Willis.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hogan, Budget Isolation Resolution relating to H. B. 892, was adopted.

Yeas 55; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Clay, Colvin, Crow, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Headley, Higginbotham, Holley, Hooper, Johnson (RW), Kvalheim, Lindsey, Logan, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Perdue, Poole, Richardson, Rogers, Sanderford, Starkey, Turnham, White (F), White (L) and Willis.

—55

And the bill:

H. 892. Relating to Walker County; to provide monies to the Juvenile Court Advisory Committee Fund in order to finance any group homes, detention facility, shelter care facility or Court, Juvenile Court or Municipal Courts of Walker County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Carothers, Carter, Clay, Colvin, Cosby, Crow, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kvalheim, Lindsey, Logan, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Starkey, Turnham, White (F), White (L), Williams, Willis and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to H. B. 893, was adopted.

Yeas 51; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Campbell, Carter, Clay, Colvin, Crow, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Richardson, Sanderford, Starkey, White (F), White (L), Willis and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 893. Relating to Randolph County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Randolph County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Campbell, Clay, Colvin, Cosby, Crow, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Hooper, Kennedy, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Perdue, Richardson, Sanderford, Starkey, Walker, White (F), White (L), Willis and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to H. B. 905, was adopted.

Yeas 51; Nays 0.

Yeas:

Reps. Adams, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Campbell, Carothers, Carter, Colvin, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Lindsey,

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Logan, Marks, Mathis, Melton, Newman, Newton (C), Parker, Payne, Perdue, Poole, Richardson, Sanderford, Starkey, Walker, White (F), White (L), Willis and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 905. Relating to Lauderdale County, providing further for the compensation of the license commissioner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Reps. Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Campbell, Carter, Clay, Colvin, Curry, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Poole, Richardson, Sanderford, Starkey, White (F), Williams, Willis and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Layson, Budget Isolation Resolution relating to H. B. 909, was adopted.

Yeas 48; Nays 0.

Yeas:

Reps. Adams, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Campbell, Carter, Clay, Colvin, Crow, Freeman, Gaston, Grouby, Hall, Harper, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Kvalheim, Layson, Lindsey, Marietta, Marks, McMillan, Melton, Mikell, Moon, Newman, Parker, Poole, Richardson, Sanderford, Walker, White (F), White (L), Williams, Willis and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 909. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-553, S. 641, of the Regular Session of 1986 (Acts 1986, p. 1127),

which provides a monthly expense allowance for the presiding judge, so as to remove the restriction on such allowance to certain travel expenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Campbell, Clay, Colvin, Crow, Curry, Freeman, Gaston, Goodwin, Grouby, Hall, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Layson, Lindsey, Logan, Marks, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Perdue, Poole, Richardson, Sanderford, Starkey, White (F), White (L), Williams, Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Layson Budget Isolation Resolution relating to H. B. 910, was adopted.

Yeas 40; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carter, Clay, Colvin, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Higginbotham, Hogan, Hooper, Kvalheim, Layson, Lindsey, Marks, Melton, Moon, Newman, Newton (D), Parker, Poole, Sanderford, Starkey, White (F), White (L), Willis and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 910. Relating to the 24th judicial circuit; amending Section 1 of Act No. 86-691, H. 123, of the First Special Session of 1986 (Acts 1st Special Session 1986, p. 96), which provides a monthly expense allowance for the district attorney, so as to remove the restriction on such allowance to certain travel expenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 47; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Carter, Clay, Curry, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Knight, Layson, Lindsey, Logan, Marks, Melton, Moon, Newman, Parker, Perdue, Poole, Richardson, Sanderford, Starkey, Walker, White (F), White (L), Williams, Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby Budget Isolation Resolution relating to H. B. 907, was adopted.

Yeas 48; Nays 0.

Yeas:

Reps. Beasley, Beers, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Clay, Curry, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Hooper, Kennedy, Knight Kvalheim, Logan, Marietta, Marks, Melton, Newman, Newton (D), Parker, Payne, Perdue, Richardson, Sanderford, Starkey, Turner, White (F), White (L), Williams, Willis and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 907. Relating to the City of Mobile; providing further for cost-of-living increases for persons retired from the city board of health.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Campbell, Carter, Clark (W), Clay, Curry, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW),

Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, McMillan, Melton, Mikell, Newton (D), Parker, Payne, Perdue, Sanderford, Starkey, Turner, Walker, White (F), White (L), Williams, Willis and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby Budget Isolation Resolution relating to H. B. 908, was adopted.

Yeas 61; Nays 0.

Yeas:

Reps. Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Campbell, Carothers, Clark (W), Clay, Curry, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Turnham, Walker, Williams, Willis and Zoghby.

—61

And the bill:

H. 908. Relating to Mobile County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Reps. Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Clay, Curry, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turner, Turnham, Walker, White (F), White (L), Williams, Willis and Zoghby.

—68

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 908:

Reps. Beers, Black, Box, Brooks, Buskey (JE), Carter, Clay, Ford, Gaston, Goodwin, Grouby, Hooper, Kennedy, Knight, Kvalheim, Logan, Marietta, McMillan, Mikell, Moon, Payne, Sanderford, Starkey, Turner, Walker and Zoghby.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Britnell, Budget Isolation Resolution relating to S. B. 467, was adopted.

Yeas 52; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Campbell, Carter, Curry, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Higginbotham, Hill, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Poole, Richardson, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turnham, Walker, White (F), White (L), Williams, Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 467. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

Was read a third time at length and passed.

Yeas 48; Nays 0.

Yeas:

Reps. Beasley, Beers, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Buskey (JE), Butler, Campbell, Clay, Colvin, Curry, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Higginbotham, Hill, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, McMillan, Melton, Moon, Newman, Parker, Payne, Poole, Richardson, Rogers, Sanderford, Starkey, Thomas, Turnham, Walker, White (F), White (L), Willis and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution relating to S. B. 531, was adopted.

Yeas 50; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Carter, Clay, Curry, Ford, Freeman, Gaston, Hall, Hamilton, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Richardson, Sanderford, Starkey, Thomas, Walker, White (F) and Willis.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 531. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

Was read a third time at length and passed.

Yeas 59; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Clark (W), Clay, Colvin, Curry, Freeman, Gaston, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Turnham, Walker, White (F), White (G), Willis and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution relating to S. B. 566, was adopted.

Yeas 52; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Clay, Curry,

Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Knight, Lindsey, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Sanderford, Slaughter, Thomas, Turner, Walker, Williams, Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 566. To abolish all previous salary supplements and expense allowances paid to the circuit judges of the 33rd Judicial Circuit composed of Dale and Geneva counties on September 30, 1989, and to establish a new salary supplement on October 1, 1989, which shall be paid to the circuit judges of the 33rd Judicial Circuit and to establish the method of payment for such supplemental salaries.

Was read a third time at length and passed.

Yeas 50; Nays 1.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Butler, Campbell, Clay, Crow, Curry, Gaston, Grayson, Hamilton, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Knight, Logan, Marks, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Williams, Willis, Wright and Zoghby.

—50

Nay: Rep. Mathis.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Haynes Budget Isolation Resolution relating to H. B. 303, was adopted.

Yeas 51; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Clay, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Higginbotham,

Hill, Hogan, Holley, Hooper, Johnson (RW), Kvalheim, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Poole, Sanderford, Starkey, Thomas, Turner, Walker, Willis, Wright and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 303. Relating to Talladega County; authorized the county to pay all of its employees whose compensation is provided for by local act, on a bi-weekly basis instead of a semi-monthly basis; to provide that the provisions of this act are supplemental and are to be construed in pari materia with other laws regulating compensation; and to provide further that those laws or parts of laws that are in direct conflict or inconsistent with this act are repealed hereby.

Was taken up.

AMENDMENT OFFERED

Rep. Haynes offered the following amendment to the bill, H. 303:

Amend House Bill 303 on Page 1, Line 29, after the word "effective" by adding October 1, 1989. and by striking ~~immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carter, Clark (W), Clay, Crow, Curry, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Lindsey, Logan, Marietta, Melton, Mikell, Moon, Newman, Newton (D), Payne, Perdue, Poole, Sanderford, Slaughter, Starkey, Thomas, Turner, Walker, Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 303 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lindsey, Logan, Marietta, Marks, Melton, Mikell, Moon, Newton (D), Parker, Perdue, Petelos, Poole, Sanderford, Starkey, Thomas, Turner, Walker, Williams, Willis and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution relating to H. B. 898, was adopted.

Yeas 48; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Clark (W), Clay, Cosby, Curry, Freeman, Goodwin, Gray, Grayson, Hall, Hamilton, Harper, Haynes, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Marks, Mathis, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Sanderford, Slaughter, Starkey, Thomas, Turner, White (F), Wright and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 898. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Cosby, Curry, Freeman, Grayson, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Logan, Marks, Mathis,

McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Sanderford, Slaughter, Starkey, Thomas, Turner, Williams, Wright and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution relating to H. B. 899, was adopted.

Yeas 57; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Carothers, Carter, Clay, Cosby, Curry, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Johnson (RG), Knight, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turner, Turnham, Walker, White (G), Wright and Zoghby.

—57

And the bill:

H. 899. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Curry, Ford, Freeman, Goodwin, Grayson, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (G), Wright and Zoghby.

—67

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Mikell, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 912.

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Yeas 5; Nays 1.

Yeas: Reps. Curry, Logan, Mikell, Slaughter and Walker. —5

Nay: Rep. Grouby. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Mikell, the Budget Isolation Resolution and the bill, H. 912, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 130. Relating to Chilton County; amending Section 3 of Act. No. 87-176, H. 435, 1987 Regular Session, levying an additional ad valorem tax not to exceed five mills, so as to provide further for the distribution of the proceeds of such tax, and to provide for a referendum.

Also:

H. 389. Relating to Cullman County; prescribing procedures whereby certain qualified electors in certain newly created election precincts shall vote in county board of education elections and providing that this act shall have certain supplemental effect.

Also:

H. 449. Relating to Lee County; to implement the provisions of that certain amendment to the Constitution of Alabama of 1901 proposed by Act No. 88-479 enacted at the 1988 Regular Session of the Legislature and of Amendment No. 392 to said Constitution; to authorize the governing body of Lee County to establish, at any time and from time to time, one or more fire fighting districts within the boundaries of Lee County; to provide for the alteration of the boundaries of any such district by said governing body; to provide that territory within the corporate limits of any municipality as of the date on which the boundaries of any such district are so fixed or altered may not be included in such district except with the approval of the governing body of such municipality; to provide for the inclusion in, and the exclusion from, any such district of certain territory within the so-called "service areas" of certain public corporations, districts and authorities that are authorized to provide fire protection, fire prevention and related services and to make charges for the provision of such services; to provide for the exclusion from any fire fighting district of territory that forms a part thereof and that is annexed to a municipality, that is included within the corporate limits of a municipality incorporated subsequent to the establishment of such district or to the then most recent alteration of its boundaries, or that is excluded from such district at the request of the governing body of a municipality; to provide that, in the event that any territory forming a part

of any such district is so excluded therefrom, the municipality within which such territory is situated shall, at the request of said governing body of Lee County, enter into an agreement with said governing body whereunder said municipality may be effectively required to provide for the construction of a fire station and appurtenant facilities to replace any fire station and appurtenant facilities then located within the territory to be so excluded from such existing district, to assume certain indebtedness in connection with such existing fire station and appurtenant facilities, to make certain specified payments to Lee County, or to do any or all of the foregoing, all as the said governing body of Lee County may determine; to provide that neither the obligation of a municipality to make any payment provided for herein nor any agreement of such municipality in connection therewith shall be construed to constitute a debt or indebtedness of such municipality within the meaning of any constitutional or statutory limitation or indebtedness then applicable to such municipality; to ratify and confirm the boundaries of fire fighting districts heretofore established by said governing body of Lee County pursuant to said Amendment No. 392, and to authorize the alteration of such boundaries hereafter; to authorize the said governing body of Lee County to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of such district; to provide that no such financial charge or assessment may be levied with respect to any such unit of property at a rate in excess of \$25.00 per fiscal year; to define the classes of property subject to such financial charges or assessments and to provide for the exemption of certain dwellings from the levy and collection thereof; to provide that certain buildings, structures or other improvements that are exempt from property taxation (including, without limitation, property owned by the state, Lee County, a municipality or any department, agency or instrumentality of any one or more thereof, by certain public corporations or by certain nonprofit corporations) shall nevertheless be subject to such financial charges or assessments; to provide for the payment and collection of such financial charges or assessments; to provide for determining the location, fair market value and ownership of units of property subject to any such financial charge or assessment and for certain powers of the tax assessor and said governing body of Lee County in connection therewith; to provide that any such financial charge or assessment shall constitute a lien on the unit or units of property against which it is levied, subject and subordinate only to liens for state or local ad valorem taxes; to provide for the sale of certain such unit or units of property in the event of default in payment of such financial charge or assessment with respect thereto; to provide for the use of proceeds derived from any such financial charge or assessment; to provide for the establishment and maintenance in the county treasury of a special district fire protection fund for each district in which any such financial charge or assessment is then being levied and collected; to authorize the governing body of Lee County to enter into agreements with volunteer fire departments with respect to the fire protection, fire prevention and related services and facilities provided or to be provided by such volunteer fire departments within one or more fire fighting districts, all to the extent provided by said Amendment No. 392; to provide for calling and conducting special elections within any such district to authorize the levy of a financial charge or assessment therein, or to authorize an increase in the maximum rate of any such financial charge or assessment or an extension of the period of time during which any such financial charge or assessment may be so levied; to provide for the notice to be given with respect to such special elections, and for canvassing the returns and declaring the results of such special elections; to provide for the forms of ballot for such special elections; and the qualification of electors

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in such special elections; and to repeal all laws and parts of laws in conflict with the provisions hereof (including specifically, but without limitation, Act No. 86-413 and Act No. 88-597 of the Legislature).

Also:

H. 578. Relating to the City of Bay Minette in Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

Also:

H. 617. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Calhoun County; and to provide that the provisions of this amendment shall be self-executing.

Also:

H. 704. To provide for the method and the procedure for summoning witnesses in Marshall County.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 549. To allow any municipality having a population of 300,00 inhabitants or more according to the last or any subsequent federal census, and acting pursuant to the authority granted by Act No. 105 of the 1971 Third Special Session of the Alabama Legislature, to authorize independent contractors to abate public nuisances caused by noxious or dangerous weeds without complying with the competitive bid law.

Also:

H. 697. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire and rescue protection, and expressing legislative intent regarding said contracts.

Also:

H. 723. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Dothan in Houston County.

Also:

H. 732. Relating to Dallas County; providing for an additional expense allowance for the tax assessor and the tax collector.

Also:

H. 737. Relating to Sumter County; providing further for the expense allowance of members of the county board of education.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 744. Relating to Lauderdale County; to authorize the license commissioner to charge a fee for mailing boat licenses.

Also:

H. 764. To promote the maintenance of Tallapoosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Tallapoosa County Health Department to enforce littering laws in Tallapoosa County; and to prescribe fines for violations.

Also:

H. 776. Relating to Houston County; providing further for the compensation of the members of the board of registrars and to provide for retroactive effect to October 1, 1980.

Also:

H. 777. Relating to Henry County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 881. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on out-of-state solid waste disposed of in St. Clair County.

TOMMY CARTER,
Chairman.

And the bill, H. 881 as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to S. B. 431, was adopted.

Yeas 42; Nays 0.

Yeas:

Reps. Beers, Black, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Curry, Ford, Goodwin, Gray, Haynes, Headley, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Marietta, Marks, Mathis, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, White (G), and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 431. Relating to Wilcox County; to amend Section 3 of Act No. 85-523 of the 1985 Regular Session (Acts 1985, p. 631), Act No. 85-826 of the 1985 Second Special Session (Acts 1985, p. 83), so as to provide further for the expense allowance and salary of the probate judge and to provide for retroactive effect.

Was read a third time at length and passed.

Yeas 36; Nays 0.

Yeas:

Reps. Black, Blakeney, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Curry, Ford, Goodwin, Hamilton, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Marks, Mathis, Mikell, Moon, Newton (D), Parker, Payne, Perdue, Richardson, Sanderford, Spratt, Starkey, Thomas, Willis and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to S. B. 534, was adopted.

Yeas 36; Nays 0.

Yeas:

Reps. Beers, Black, Blakeney, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Curry, Ford, Hamilton, Headley, Hill, Hogan, Holley, Kennedy, Lindsey, Marietta, Marks, Mathis, Mikell, Moon, Newton (C), Parker, Payne, Richardson, Sanderford, Starkey, Thomas, White (G), Willis and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 534. Relating to Wilcox County, repealing Act No. 317, S. 343, 1943 Local Acts, as amended, entitled "An Act To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued."

Was read a third time at length and passed.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Curry, Ford, Hamilton, Harvey, Headley, Higginbotham, Hill, Holley, Johnson (RW), Kennedy, Knight, Lindsey, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Richardson, Sanderford, Spratt, Starkey and Thomas.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 900.

Yeas 16; Nays 2.

Yeas:

Reps. Black, Brooks, Bryant, Clark (W), Gaston, Harper, Kvalheim, Marietta, Mikell, Newton (D), Perdue, Sanderford, Spratt, Turner, Walker and Zoghby.

—16

Nays: Reps. Box and Hamilton.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution relating to H. B. 900, was adopted.

Yeas 14; Nays 1.

Yeas:

Reps. Blakeney, Bryant, Clark (W), Clay, Gaston, Harper, Kvalheim, Lindsey, Marietta, Mikell, Richardson, Starkey, Turner and Zoghby.

—14

Nay: Rep. Box.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 900. Relating to any Class 2 municipality; providing for an additional method of annexation of territory by any Class 2 municipality; providing for a referendum on the question of annexation by the qualified electors residing within the territory proposed to be annexed by such municipality; and providing for an exemption from city ad valorem taxation for a period of five years of territory annexed under this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 14; Nays 3.

Yeas:

Reps. Blakeney, Clark (W), Clay, Gaston, Harper, Holley, Kvalheim, Lindsey, Marietta, Mikell, Richardson, Starkey, Turner and Zoghby.

—14

Nays: Reps. Box, Buskey (JE) and Kennedy.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNFINISHED BUSINESS

The House proceeded to the consideration of the Unfinished Business.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution relating to H. B. 275, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Britnell, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Curry, Drake, Ford, Frazier, Gaston, Goodwin, Gray, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Lindsey, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Poole, Rains, Richardson, Spratt, Starkey, Turner, Turnham, Walker, White (G), Willis and Zoghby.

—67

RECESS

On motion of Rep. Buskey (JE), the House recessed until 6:45 o'clock p.m.

HOUSE RECONVENED

The hour of 6:45 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

H. 275 RESUMED

And the bill:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to submit said Plan to the legislature not later than the fifth legislative day of the 1991 regular session; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act.

Was taken up.

AMENDMENT OFFERED

Rep. Petelos offered the following amendment to the bill, H. 275:

AMENDMENT TO HOUSE BILL 275

To amend House Bill 275 at Page 1, Lines 8 through 10, by striking the words in the Synopsis "moratorium on the issuance or modification of permits for construction or operation of certain solid waste management facilities" and inserting in lieu thereof the following: "prohibition on acceptance for disposal any out-of-state solid waste other than that which originates from counties contiguous to the State of Alabama.

To further amend House Bill 275 by deleting the following words at Page 1, Lines 18 through 21: "and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid

waste management facilities for 24 months after the effective date of this act" and inserting in lieu thereof the following: "and to prohibit the acceptance of out-of-state solid waste, other than that which originates from counties contiguous to the State of Alabama, for a period of 24 months after the effective date of this act."

To further amend House Bill 275 by deleting Section 5 of the bill, which appears at Page 5, Lines 7 through 29 in its entirety and inserting in lieu thereof the following:

"Section 5. For the purpose of evaluating solid waste management problems facing the state, including enacting comprehensive revisions to the Solid Waste Disposal Act, and implementation of regulations thereunder, and for the purpose of anticipating the impact of certain proposed U.S. Environmental Protection Agency regulations published at 53 Fed. Reg. 33314, August 30, 1988 (commonly known as "Subtitle D" regulations), there is hereby imposed a 24-month prohibition against the acceptance by any permitted solid waste management facility in this state of any solid waste which originates from out-of-state, other than out-of-state solid waste which originates from counties contiguous to the State of Alabama. Violation of this provision shall be deemed to be a violation of the Solid Waste Disposal Act."

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, H. 275, and the pending amendment:

A BILL TO BE ENTITLED AN ACT

To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to create a Solid Waste Management Advisory Committee to advise on the development of said plan; to require cities and counties to develop and adopt comprehensive solid waste management plans with the assistance of the Department and the State's Regional Planning and Development Commissions; to require the Regional Planning and Development Commissions to develop a regional solid waste management needs assessment; to require the implementation of such plans; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act so that such plans can be developed and implemented.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Findings. The legislature finds that:

(a) The state, its subdivisions and the nation face an emerging crisis in solid waste management;

(b) Proper waste management is an increasingly complex issue involving the need for reducing the volumes of waste requiring disposal, properly managing wastes to reduce the likelihood of both short-term and long-term threat to human health and the environment, and assuring that adequate, environmentally secure, waste management and disposal facilities will be available at reasonable costs to accommodate wastes generated in the state;

(c) Provision for necessary systems, facilities, technology and services for solid waste management and resource recovery is a matter of important public interest and concern, and action taken in this regard will be for a public purpose and will benefit the public welfare;

(d) Solid waste management problems are potentially statewide in scope and necessitate state and local action through the development and implementation of comprehensive long-range plans for solid waste management which recognize the conditions in the state now and those which can be expected in the foreseeable future, and which serve to assure that the state as a whole and local jurisdictions in particular will meet their long-term solid waste management needs;

(e) Proper planning for solid waste management must include the evaluation of facility sites based on a broad group of factors including, but not limited to, environmental conditions, local needs for waste management, social and economic impacts on the host community, the availability and impact on public services, and the consistency of a proposed facility with any final solid waste management plan;

(f) Proper solid waste management planning also should provide leadership in the application of new and improved methods and processes to reduce the amount of solid waste that must be disposed of and to promote environmentally acceptable and economically sound solid waste management;

(g) The failure or inability to economically recover and recycle materials and energy resources from solid waste results in the unnecessary waste and depletion of natural resources;

(h) The landfill disposal of solid waste, even under the most ideal conditions, has the potential to create long-term pollution and environmental degradation;

(i) Current conditions and pending federal regulatory requirements likely will increase the costs of landfill disposal, prompt the closure of many landfills in the state and likely change the methods of solid waste management in the state away from the present system of management by individual cities and counties and toward the development of larger facilities which must be capable of meeting the needs of several jurisdictions. Given this evolving situation, the legislature concludes that a concerted solid waste management planning program is essential to address the imminent and future needs of the state;

(j) The absence of comprehensive planning will result in the random, haphazard siting of waste disposal services without relation to the actual needs of particular localities in the State, and therefore, to assure that the comprehensive planning required herein is most effective, the permitting of new facilities and the modification of permits for existing facilities should occur only after the comprehensive plans are in place. In the interim new permits or modifications should be issued only to prevent human health or environmental threats in the particular jurisdiction in the State to be served by the facility;

(k) Publicly owned solid waste management facilities are public resources of limited and finite capacity which the state, as guardian and trustee for its people, has the right and the obligation to preserve for the present and future use of its people; and

(l) The state or local governments, by creating and operating solid waste management facilities are participants in the solid waste facility services

market and have entered that market for the purpose of serving the citizens of this state.

Section 2. Legislative Purpose. The purpose of this act is to protect the public health and the State's environmental quality and to serve the public by recognizing the responsibilities of units of local government for the orderly management of solid wastes generated within their jurisdictions, and to require that decisions about the management of solid wastes shall be based on comprehensive local, regional and state planning. The terms and obligations of this act shall be liberally construed to achieve remedies intended.

Section 3. Legislative Intent. In furtherance of the policies and purposes set forth herein, it is the intent of this legislation:

(a) to develop an integrated system of planning for solid waste management in the state by local governments, regional planning commissions and the department;

(b) to put in place the necessary procedures so that an effective and integrated statewide network of solid waste management facilities may be planned, developed and operated for the benefit of the people of the state;

(c) to assure that solid waste management planning and implementation activities should, to the extent economically feasible, encourage:

(1) reduction of the amount of source waste generated;

(2) source separation and recycling; and

(3) waste processing such as the utilization of a waste-to-energy technology to reduce the volume of waste necessary for land disposal.

(d) to facilitate the siting of solid waste management facilities as required to meet present and projected state and local needs;

(e) to facilitate the reduction of solid waste volumes within the state;

(f) to foster and encourage recycling of solid wastes as an alternative to disposal;

(g) to assure public involvement in the development and implementation of plans for the management of solid wastes;

(h) to encourage private industry to continue to play a key role in the state's solid waste management programs;

(i) to assure that solid waste management facilities and services are provided to state residents in a manner which assures their availability at reasonable costs; and

(j) to assure that the creation, licensing, and operation of landfill solid waste disposal facilities should be limited to what is reasonably required to service the needs of the inhabitants and businesses of this state, having regard for alternative technologies for waste reduction, management and disposal.

Section 4. Definitions. All terms used in this act shall be defined as such terms are defined in Section 22-27-2 Code of Alabama 1975, as amended.

Section 5. Solid Waste Management Advisory Committee. There is hereby created an eleven member Solid Waste Management Advisory Committee to advise on the development of the Solid Waste Management Plan.

The Committee members shall be named as follows: two representatives designated by the governor who shall be private citizens and who shall have been residents of the state for at least two years; two representatives designated by the State Health Officer; two representatives designated by the Board of Directors of the Association of County Commissions of Alabama; two representatives designated by the Board of Directors of the Alabama League of Municipalities; one member of the Alabama Environmental Management Commission selected by the Commission; one representative from the Alabama Chapter of the Government Refuse Collection and Disposal Association selected from its membership by its Board of Directors; and the Chairman of the Committee who shall be the Chief of the Solid Waste Branch of the Department of Environmental Management. Said Committee shall meet as necessary and shall advise the Director of the Department of Environmental Management regarding the general development of the Solid Waste Management Plan and about such other specific matters as he shall bring to the Committee's attention. Committee members shall serve without pay, but shall be reimbursed by the department for their actual expenses.

Section 6. State Solid Waste Management Plan.

The Director of the Alabama Department of Environmental Management, with the advice and consultation of the Solid Waste Management, Advisory Committee, is directed to prepare a State Solid Waste Management Plan. In developing the state plan, the department will seek to achieve the following goals;

(1) That solid waste facilities and management systems are provided for in an orderly manner consistent with the needs and plans of the state and its regions and local governments;

(2) That alternative methods of solid waste management are encouraged as a means of reducing the state's dependence on landfilling.

(3) That all aspects of local, regional and state planning, zoning, population estimates, and economics are taken into consideration; and

(4) That appropriate time schedules are set for the phasing in of the required component parts of the system. Said plan shall be developed in two phases:

(a) The first phase of the plan shall be developed prior to the development of the local plans required herein and shall serve as a guide for the local plans. Within 180 days of the effective date of this act, the department shall complete the first phase of the plan which shall, at a minimum:

(1) Summarize, using available information, the number, location, current usage, and life expectancy of all permitted solid waste management facilities in the State including without limitation all landfills, sanitary landfills, incinerators, transfer stations, processing facilities and resource recovery facilities;

(2) Estimate, using acceptable averaging methods, the general volumes of solid waste expected to be generated in the state per year. After approval of all local plans as provided elsewhere herein, revise and periodically amend these estimates to reflect conditions as reflected in approved local plans;

(3) Establish objectives, methods and goals to encourage solid waste reduction, recycling, reuse, and minimization, such objectives to include proposed regulations or legislation to implement a statewide goal of a twenty-five percent waste reduction and recycling program;

(4) Identify alternative means to provide for waste management and disposal capacity assurance within the State;

(5) Establish criteria to be used by local governments for the identification of potential locations for solid waste management facilities in the jurisdiction or region.

Such criteria shall at a minimum require consideration of the following:

1. The unit of local government's solid waste management needs as identified in its plan;

2. The relationship of any potential location to planned or existing development or the absence thereof, to major transportation arteries and to existing state primary and secondary roads;

3. The relationship of any potential location to existing industries in the jurisdiction or state that generate large volumes of solid waste, or the relationship to areas projected by the state or local regional planning and development commission for development of industries that will generate large volumes of solid waste;

4. The costs and availability of public services, facilities and improvements which would be required to support a facility in this location and protect public health, safety and the environment;

5. The potential impact a facility in any potential location would have on public health and safety, and the potential that such locations can be utilized in a manner so as to minimize the impact on public health and safety; and

6. The social and economic impacts that any proposed location would have on the affected community, including changes in property values and social or community perception.

(6) Develop forms for use by local governments in completing their own plans.

(b) The second phase of the plan shall be developed as the individual plans of local governments are approved by the department. It shall be the purpose of this phase to incorporate the local plans and to develop a final master plan for solid waste management in the state. This phase shall, at a minimum:

(1) Revise all estimates and summaries contained in the first phase of the state plan to reflect information contained in the approved local plans;

(2) Based on estimates of need as developed herein, project waste volume capacity needs annually for a ten year period for the state and for each regional planning commission region and each county therein;

(3) Based on the information developed in other parts of the plan, estimate and periodically revise said estimate of the number and type of solid waste management facilities which may be required to serve the future needs of the state and its local governments.

(4) Encourage alternative management techniques for solid wastes;

(5) Encourage the state's city and county jurisdictions to combine their efforts to manage solid wastes more efficiently;

(6) Evaluate existing service areas and evaluate the option of developing waste flow controls within the state;

(7) Develop policies and serve as a source of information for local jurisdictions regarding changing conditions in solid waste management;

(8) Make such other determinations and recommendations as the Director shall deem necessary or appropriate in keeping with the findings and purposes of the legislature set forth herein.

(c) Generally, the state's solid waste management plan shall be subject to amendment and periodic revision. Each periodic revision of the solid waste management plan may include:

(1) A revised estimate of solid waste generation and disposal in the state projected for a 10-year period.

(2) The total amounts of solid waste generated, recycled, and disposed of, and the methods of solid waste recycling and disposal used during the calendar year prior to the year in which the plan is revised.

(3) An evaluation of the development and implementation of local solid waste management programs and county and municipal recycling programs.

(4) An evaluation of the success of each county or group of counties in meeting the local solid waste reduction goals.

(5) Recommendations concerning existing and potential programs for solid waste reduction and recycling that would be appropriate for local governments and state agencies to implement to meet the requirements of this act.

(6) An evaluation of the markets for recycled materials and the success of state, local, and private industry efforts to enhance the markets for such materials.

(7) Recommendations to the Governor and the Legislature to improve the management and recycling of solid waste in this state.

(d) At the completion of each phase of development of the state solid waste management plan and each subsequent revision, the plan, as revised shall be adopted by the department as a final regulation in accord with applicable statutory procedures.

Section 7. Regional Planning and Development Commissions. (a) Not later than six months from the effective date of this act, each regional planning and development commission in the state shall prepare and adopt a regional needs assessment evaluating solid waste management needs in their respective regions. This regional needs assessment shall be submitted to the department for information and review and shall be considered by units of local government within the region in the development of their individual plans as required herein. Thereafter, the assessment shall be revised and submitted to the department and local governments in the region annually. The regional needs assessment shall include, at a minimum, the following:

(1) An evaluation of the amount of solid waste generated within the region and the amount of remaining disposal capacity, expressed in years, at each solid waste disposal facility within the region;

(2) An evaluation of the needs of all localities within the district as to the adequacy or inadequacy of solid waste collection, transportation and disposal within those localities;

(3) A projection of the expected population and business growth in the region, including specific estimates of the types of businesses which may be entering and leaving the region and the resulting impact such changes will likely have on waste volumes generated in the region;

(4) An evaluation of the environmental, economic and other relevant factors which would be implicated by acceptance of solid waste from beyond the boundaries of the region.

(b) In addition to the development of and periodic revision of an assessment of the region's solid waste management needs, each regional planning commission shall:

(1) Evaluate, as necessary, the solid waste management needs of all local governments within their regions;

(2) Formulate, as requested, recommendations to local governments on solid waste management issues including the feasibility of joint efforts within the region acting to develop and operate a solid waste management or disposal facility and foster cooperation on such matters.

(3) Provide, upon request, assistance to local governments within the region to formulate their own plans for evaluating needs and providing adequate solid waste management within their jurisdictions; and

(4) Serve as a clearinghouse for local governments in the region regarding solid waste management information.

Section 8. Local Plans Required. (a) Each county and any municipality as described below shall submit to the department, within one and one-half years of the effective date of this act, a plan for the management of solid waste generated within its boundaries. A county's plan shall include the municipal jurisdictions within its boundaries except that any municipality may choose to submit its own solid waste management plan intended for implementation within its city limits and thereby be excluded from its county plan. Cities which do not choose to exclude themselves from their county's plan shall be responsible to share in the county's costs proportionately on a per capita basis. The content of all plans shall be consistent with the requirements of this act and every plan shall not become final until it has been officially adopted and approved pursuant to the requirements of this act.

(b) Each plan shall at a minimum:

(1) Describe and explain the general origin, and weight or volume of solid waste currently generated within the jurisdiction's boundaries. For purposes of this estimate the jurisdiction may use such information as is reasonably available, or may use accepted methods of estimation recommended by the department;

(2) Identify current methods of collection and haulage of solid waste within the jurisdiction;

(3) Identify and describe the facilities where solid waste is currently being disposed or processed and the remaining available permitted capacity of such facilities and the capacity which could be made available through

the reasonable expansion of such facilities. The plan shall also explain the extent to which existing facilities will be used during the life of the plan and shall not substantially impair the use of their remaining permitted capacity;

(4) Provide a description of current or planned recycling programs and an analysis of their impact on waste generated within the jurisdiction. Particularly regarding recycling, the plan shall describe and evaluate:

(i) Potential benefits of recycling, including the potential solid waste reduction and the avoided cost of municipal waste processing or disposal.

(ii) Existing materials recovery operations and the kind and weight or volume of materials recycled by the operations, whether public or private.

(iii) The compatibility of recycling with other waste processing or disposal methods used in the jurisdiction including methods of collecting recyclables.

(iv) options for cooperation or agreement with other jurisdictions for the collection, processing and sale of recyclable materials.

(5) Address the requirements proposed under Subtitle D of the federal Resource Conservation and Recovery Act, 42 U.S.C. Section 6941 as amended and identify and explain those actions the jurisdiction should take to assure proper management of its wastes under these requirements;

(6) Propose procedures for the identification and elimination of unauthorized dumps in the jurisdiction;

(7) Describe and explain the general origin and weight or volume of solid waste reasonably expected to be generated within the jurisdiction annually during the next ten years. The assessment shall describe the primary variables affecting this estimate and the extent to which they can reasonably be expected to affect the estimate.

(8) Provide for the development or expansion of solid waste management systems in a manner that is consistent with the needs of the area, taking into account planning, zoning, population and development estimates, and economics of the jurisdiction and the protection of air, water, land and other natural resources.

(9) Identify any current agreements between the jurisdiction and other units of local government or public authorities for the joint use of solid waste processing or disposal facilities and evaluate the need for and feasibility of entering joint agreements in the future.

(10) Identify any current contractual agreements with private entities for the collection, processing or disposal of solid waste and evaluate the need for and feasibility of entering into such agreements in the future;

(11) Identify the general location within a county where solid waste processing or disposal facilities and recycling programs may be located, and identify the site of each facility if a site has already been chosen. In identifying general locations for facilities in the plan, each jurisdiction shall consider at least the following:

(i) The jurisdiction's solid waste management needs as identified in its plan.

(ii) The relationship of the proposed location or locations to planned or existing development, to major transportation arteries and to existing state primary and secondary roads;

(iii) The relationship of the proposed location or locations to existing industries in the jurisdiction or state that generate large volumes of solid waste and to the areas projected by the state or local regional planning and development commission for development of industries that will generate solid waste;

(iv) The costs and availability of public services, facilities and improvements which would be required to support a facility in this location and protect public health, safety and the environment;

(v) The potential impact a facility in the proposed location or locations would have on public health and safety, and the potential that such locations can be utilized in a manner so as to minimize the impact on public health and safety; and

(vi) The social and economic impacts that a facility at the proposed location would have on the affected community, including changes in property values, community perception and other costs;

(12) For any facility expected to serve the jurisdiction's future needs that is located or is proposed to be located outside the jurisdiction, the plan shall explain in detail the reasons for selecting such a facility.

(13) The plan shall include such other information as the department may require by regulation.

(c) Counties may, by agreement with other counties, combine in the development of a joint solid waste management plan.

(d) The department and the local regional planning and development commission shall, upon request, provide assistance to any county or municipality in the development of their local plan.

(e) The plan shall be completed on forms provided by the department and in accordance with the provisions of this act and any regulations promulgated by the department.

(f) Prior to final adoption or amendment of a plan, the jurisdiction shall afford the public an opportunity to present data, views and arguments thereon, orally or in writing. The public comment period shall be no less than thirty days in length and shall include at least one public hearing. Notice of the public comment period shall be published at least once in a newspaper of general circulation in the jurisdiction and in the official gazette, if any, in the jurisdiction. Notice of the inclusive dates of the public comment period and the date of the public hearing may be combined in the same publication. Notice of the time and place of the public hearing shall be published at least 30 days, but not more than 45 days prior to the date of said hearing. Any published notice shall contain a brief description of the proposed plan, and shall identify a location where copies of the plan shall be available for inspection during normal business hours, and shall also identify a contact person from whom interested persons can obtain additional information or copies of the proposed plan. The plan, including any revisions, subsequently submitted for adoption shall be accompanied by a document containing written responses to comments made during the comment period.

(g) The governing body of the jurisdiction shall adopt the final plan within 60 days from the end of the public comment period at an official business meeting open to the public.

(h) Upon completion and adoption of the local plan, it shall be submitted to the department for review and approval. Within 30 days after receiving a complete plan, the department shall approve, conditionally approve or disapprove it, unless the department gives written notice that additional time is necessary to complete its review. If the department gives such notice, it shall have 30 additional days to render a decision. The department shall approve any local plan that demonstrates to the satisfaction of the department that:

(1) The plan is complete and accurate and consistent with this act and regulations promulgated hereunder.

(2) The plan provides for the processing and disposal of municipal waste in a manner that is consistent with the requirements of the Solid Waste Management Act and the regulations promulgated pursuant thereto.

(3) The plan provides for the processing and disposal of local waste for at least ten years.

(i) Each county and municipality with an approved solid waste management plan shall submit a revised plan to the department in accordance with the requirements of this act:

(1) At least three years prior to the time all remaining available permitted capacity for the jurisdiction will be exhausted, or

(2) When otherwise required by the department.

Section 9. Implementation of Plans. (a) In addition to any regulatory bodies, the governing body of a county or municipality has a responsibility for and the authority to assure the proper management of solid wastes generated within its jurisdiction in accord with its solid waste management plan. A governing body may assign territories and approve or disapprove disposal sites in its jurisdiction in accord with the plan approved for its jurisdiction. Such approval or disapproval of services or activities described in the local plan shall be in addition to any other approvals required from other regulatory authorities and shall be made prior to any other approvals necessary for the provision of such services, the development of a proposed facility or the modification of permits for existing facilities. The department may not consider an application for a new or modified permit for a facility unless such application has received approval by the affected unit of local government having an approved plan.

In determining whether to recommend approval of the proposed issuance of, renewal of, or modification of a new or existing solid waste management site, the governing body shall consider each of the following:

1. The consistency of the proposal with the jurisdiction's solid waste management need as identified in its plan.

2. The relationship of the proposal to local planning or existing development or the absence thereof, to major transportation arteries and to existing state primary and secondary roads;

3. The location of a proposed facility in relationship to existing industries in the state that generate large volumes of solid waste, or the relationship

to the areas projected for development of industries that will generate solid waste;

4. Costs and availability of public services facilities and improvements required to support a proposed facility and protect public health, safety and the environment;

5. The impact of a proposed facility on public safety and provisions made to minimize the impact on public health and safety; and

6. The social and economic impacts of a proposed facility on the affected community, including changes in property values, and social or community perception;

Any determination by the local governing body of the proposed issuance of, renewal of, or modification of a permit for a new or existing solid waste management site or the proposal to contract for any services described in the solid waste management plan, shall be made in a public meeting only after public notice of such application or proposal and an opportunity for public comment is provided.

In providing public notice of any application or proposal regarding any services described in the solid waste management plan, the local government shall at a minimum hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the jurisdiction. Furthermore, such notice shall be given at least 30 days but not more than 45 days prior to the proposed date of said hearing. Each notice published in compliance with this section shall contain at a minimum a description of the proposed action to be considered, its relevance to and consistency with the local solid waste management plan and shall identify a contact person from whom interested persons can obtain additional information and can review copies of both the local plan and the application or proposal to be considered. All pertinent documents shall be available for inspection during normal business hours at a location readily accessible to the public.

(b) Following local review and approval of any proposal regarding services or activities described in the local solid waste management plan, the applicant shall obtain a statement of consistency from the regional planning and development commission. Therein, the said commission shall evaluate the proposal using the provisions of the current regional solid waste management needs assessment. In particular, the regional commission shall evaluate the proposal as it relates to available existing capacity within the region and the projected lifetime of such capacity. The evaluation shall also identify any proposed capacity which is in excess of expected regional needs. No statement of consistency shall be required for contracts exclusively for the collection or transportation of solid wastes.

Section 10. Moratorium on Issuance of Permits. For the purpose of evaluating solid waste management problems facing the state and to allow for the development of comprehensive plans to identify and provide for the state's solid waste management needs, there is hereby imposed a moratorium on the issuance by the Department of Environmental Management of any new or modified permits or transfers of existing permits for solid waste management facilities which receive or are intended to receive wastes not generated by the permittee. Said moratorium shall not apply to industrial landfills receiving waste generated in state only by the permittee. Modifications for the limited purposes of changing liner and leachate collection

design, changes in waste streams from within the facility's designated service area, changes in sequence of fill, and changes to incorporate new technology, or changes intended to bring a facility into compliance with statutes and regulations are specifically excluded from this moratorium. Said moratorium shall continue for a period of 24 months from the effective date of this act or until the completion and adoption of the comprehensive state and local solid waste management plans required herein, whichever occurs first. The Director is hereby authorized to waive the limitation imposed by this moratorium for a particular facility upon a finding based upon a recommendation by the State Health Officer and accompanied by a resolution from the host government. The request for waiver shall be initiated by resolution of the governing body of the jurisdiction which recognizes a potential crisis in solid waste management in the jurisdiction unless a permit application or modification for a facility intended to serve the area is approved. Said resolution shall be adopted at a public meeting of the governing body following publication of at least one notice in a newspaper of general circulation in the area at least ten days prior to the meeting. Said resolution shall request the State Health Officer to determine if the situation poses a threat to human health or the environment within the jurisdiction. In the event the State Health Officer so certifies, the moratorium may be waived and the Director may issue a permit or modification for the limited purpose of serving the jurisdiction or jurisdictions identified in the State Health Officer's certification.

Section 11. **Severability.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. **Effective Date.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 95; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—95

Nay: Rep. Perdue.

—1

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 617. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Calhoun County; and to provide that the provisions of this amendment shall be self-executing.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 549. To allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, and acting pursuant to the authority granted by Act No. 105 of the 1971 Third Special Session of the Alabama Legislature, to authorize independent contractors to abate public nuisances caused by noxious or dangerous weeds without complying with the competitive bid law.

Also:

H. 697. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire and rescue protection, and expressing legislative intent regarding said contracts.

Also:

H. 723. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Dothan in Houston County.

Also:

H. 732. Relating to Dallas County; providing for an additional expense allowance for the tax assessor and the tax collector.

Also:

H. 737. Relating to Sumter County; providing further for the expense allowance of members of the county board of education.

Also:

H. 744. Relating to Lauderdale County; to authorize the license commissioner to charge a fee for mailing boat licenses.

Also:

H. 764. To promote the maintenance of Tallapoosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Tallapoosa County Health Department to enforce littering laws in Tallapoosa County; and to prescribe fines for violations.

Also:

H. 776. Relating to Houston County; providing further for the compensation of the members of the board of registrars and to provide for retroactive effect to October 1, 1980.

Also:

H. 777. Relating to Henry County; to levy a tax upon certain tobacco products; to provide for the collection thereof and the disposition of the proceeds; and to provide for the enforcement of the provisions of this act.

Also:

H. 130. Relating to Chilton County; amending Section 3 of Act No. 87-176, H. 435, 1987 Regular Session, levying an additional ad valorem tax not to exceed five mills, so as to provide further for the distribution of the proceeds of such tax, and to provide for referendum.

Also:

H. 389. Relating to Cullman County; prescribing procedures whereby certain qualified electors in certain newly created election precincts shall vote in county board of education elections and providing that this act shall have certain supplemental effect.

Also:

H. 449. Relating to Lee County; to implement the provisions of that certain amendment to the Constitution of Alabama of 1901 proposed by Act No. 88-479 enacted at the 1988 Regular Session of the Legislature and of Amendment No. 392 to said Constitution; to authorize the governing body of Lee County to establish, at any time and from time to time, one or more fire fighting districts within the boundaries of Lee County; to provide for the alteration of the boundaries of any such district by said governing body; to provide that territory within the corporate limits of any municipality as of the date on which the boundaries of any such district are so fixed or altered may not be included in such district except with the approval of the governing body of such municipality; to provide for the inclusion in, and the exclusion from, any such district of certain territory within the so-called "service areas" of certain public corporations, districts and authorities that are authorized to provide fire protection, fire prevention and related services

and to make charges for the provision of such services; to provide for the exclusion from any fire fighting district of territory that forms a part thereof and that is annexed to a municipality, that is included within the corporate limits of a municipality incorporated subsequent to the establishment of such district or to the then most recent alteration of its boundaries, or that is excluded from such district at the request of the governing body of a municipality; to provide that, in the event that any territory forming a part of any such district is so excluded therefrom, the municipality within which such territory is situated shall, at the request of said governing body of Lee County, enter into an agreement with said governing body whereunder said municipality may be effectively required to provide for the construction of a fire station and appurtenant facilities to replace any fire station and appurtenant facilities then located within the territory to be so excluded from such existing district, to assume certain indebtedness in connection with such existing fire station and appurtenant facilities, to make certain specified payments to Lee County, or to do any or all of the foregoing, all as the said governing body of Lee County may determine; to provide that neither the obligation of a municipality to make any payment provided for herein nor any agreement of such municipality in connection therewith shall be construed to constitute a debt or indebtedness of such municipality within the meaning of any constitutional or statutory limitation or indebtedness then applicable to such municipality; to ratify and confirm the boundaries of fire fighting districts heretofore established by said governing body of Lee County pursuant to said Amendment No. 392, and to authorize the alteration of such boundaries hereafter; to authorize the said governing body of Lee County to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of such district; to provide that no such financial charge or assessment may be levied with respect to any such unit of property at a rate in excess of \$25.00 per fiscal year; to define the classes of property subject to such financial charges or assessments and to provide for the exemption of certain dwellings from the levy and collection thereof; to provide that certain buildings, structures or other improvements that are exempt from property taxation (including, without limitation, property owned by the state, Lee County, a municipality or any department, agency or instrumentality of any one or more thereof, by certain public corporations or by certain nonprofit corporations) shall nevertheless be subject to such financial charges or assessments; to provide for the payment and collection of such financial charges or assessments; to provide for determining the location, fair market value and ownership of units of property subject to any such financial charge or assessment and for certain powers of the tax assessor and said governing body of Lee County in connection therewith; to provide that any such financial charge or assessment shall constitute a lien on the unit or units of property against which it is levied, subject and subordinate only to liens for state or local ad valorem taxes; to provide for the sale of certain such unit or units of property in the event of default in payment of such financial charge or assessment with respect thereto; to provide for the use of proceeds derived from any such financial charge or assessment; to provide for the establishment and maintenance in the county treasury of a special district fire protection fund for each district in which any such financial charge or assessment is then being levied and collected; to authorize the governing body of Lee County to enter into agreements with volunteer fire departments with respect to the fire protection, fire prevention and related services and facilities provided or to be provided by such volunteer fire departments within one or more fire fighting districts, all to the extent provided by said Amendment No. 392; to provide for calling and conducting special elections within

any such district to authorize the levy of a financial charge or assessment therein, or to authorize an increase in the maximum rate of any such financial charge or assessment or an extension of the period of time during which any such financial charge or assessment may be so levied; to provide for the notice to be given with respect to such special elections, and for canvassing the returns and declaring the results of such special elections; to provide for the forms of ballot for such special elections; and the qualification of electors in such special elections; and to repeal all laws and parts of laws in conflict with the provisions hereof (including specifically, but without limitation, Act No. 86-413 and Act No. 88-597 of the Legislature).

Also:

H. 578. Relating to the City of Bay Minette in Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of said city, as shown by a map of said area which is on file in the Office of The Judge of Probate of Baldwin County, Alabama, and open to the inspection of the public.

Also:

H. 704. To provide for the method and the procedure for summoning witnesses in Marshall County.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 275 RESUMED

SUBSTITUTE OFFERED

Rep. Petelos offered the following substitute to the bill, H. 275 as amended:

A BILL TO BE ENTITLED AN ACT

To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to submit said plan to the Legislature not later than the fifth legislative day of the 1991 regular session; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act, except for those facilities which accept or propose to accept solid waste generated solely in the State of Alabama and counties which are contiguous to the State of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds that:

- (a) The State faces an emerging crisis in solid waste management;
- (b) Other states which have ignored the problem of solid waste management now are paying extraordinary costs for waste management and disposal;
- (c) Proper waste management is an increasingly complex issue involving the need for reducing the volumes of waste requiring disposal, properly managing wastes to reduce the likelihood of both short-term and long-term threat to human health and the environment, and assuring that adequate, environmentally secure, waste management and disposal facilities will be available at reasonable costs to accommodate wastes generated in the state;
- (d) Proper waste management requires long-term planning and assurance of adequate statutory and regulatory authority to meet present and future solid waste management problems;
- (e) Proper waste management must include the evaluation of facility sites based on a broad group of factors including, but not limited to, environmental conditions, social and economic impacts on the host community, the availability and impact on public services, and the consistency of a proposed facility with any final solid waste management plan.
- (f) Waste collection and disposal services, historically provided by local governments in this state, are increasingly being provided by private entities. This shift from public to private control of these essential public services raises a wide range of new and important regulatory questions. These questions should be addressed before major changes in the provision and availability of these services occurs.
- (g) The State should act to assure that waste management services are always available to the state's citizens at a fair and reasonable cost related to the actual cost of operation of the waste management facility.
- (h) The state should begin immediately to develop a comprehensive plan for solid waste management recognizing the conditions in the state now and those which can be expected in the foreseeable future in view of emerging conditions and the experiences of other states concerning solid waste management;
- (i) Any state Solid Waste Management Plan should include, at a minimum, an identification of existing and foreseeable issues of solid waste management, and identification or development of proposed or alternative legislative remedies needed to assure adequate regulatory control over solid wastes and their management in the state;
- (j) To assure that a State Solid Waste Management Plan is most effective, the permitting of new facilities should occur only after the Plan is in place. In the interim, new permits or modifications should be issued only to prevent human health or environmental threats in the area of the State served by the facility.

Section 2. All terms used in this ACT shall be defined as such terms as are defined in 22-27-2 Code of Alabama, 1975, as amended, and the regulations promulgated thereunder.

Section 3. The Director of the Alabama Department of Environmental Management, with the advice of the Alabama State Department of Public Health, is requested to prepare a State Solid Waste Management Plan that shall, at a minimum:

(a) Summarize the number, location, current usage, and life expectancy of all permitted solid waste management facilities in the State where such term shall mean all landfills, sanitary landfills, incinerators and resource recovery facilities;

(b) Establish objectives to encourage solid waste reduction, recycling, reuse, and minimization and recommend methods for implementing those objectives;

(c) Identify existing and foreseeable problems with solid waste management in the state and recommend legislative solutions;

(d) Identify major problems other states have experienced in the management of solid waste;

(e) Identify alternatives to provide for disposal capacity assurance within the State;

(f) Propose restrictions on the types of solid wastes disposed of by landfilling based on potential harm to ground and surface waters of the State and for which alternative management methods are available;

(g) Summarize State regulations establishing criteria for the location, operation and long-term maintenance of solid waste disposal facilities;

(h) Summarize federal requirements and proposals regarding solid waste management;

(i) Recommend specific legislative action to revise completely the existing Solid Wastes Disposal Act, Section 22-27-1 through 22-27-7, inclusive, Code of Alabama, 1975, as amended, to reflect the need for comprehensive regulatory control over solid waste management and disposal, to assure the availability of adequate management capacity for solid waste generated in the State, to assure that solid waste management facilities shall be constructed operated and permanently maintained in a manner which shall minimize impact on human health and the environment, to propose a schedule of fees to recover the costs of regulatory programs concerning solid waste management facilities, and to address such other problems as the Director shall deem necessary in view of the information compiled in the other portions of the Solid Waste Management Plan, or from the experiences of the Department of Environmental Management in administering the Solid Wastes Disposal Act;

(j) Propose recommendations to regulate the transfer of solid waste disposal facility permits; and

(k) Make such other determinations and recommendations as the Director shall deem necessary or appropriate in keeping with the findings of the legislature set forth herein.

Section 4. The Director shall prepare and submit to the Legislature such State Solid Waste Management Plan not later than the fifth legislative day of the 1991 regular session.

Section 5. For the purpose of evaluating solid waste management problems facing the state, including enacting comprehensive revisions to the Solid

Wastes Disposal Act, and implementation of regulations thereunder, there is hereby imposed a moratorium on the issuance by the Department of Environmental Management of any new or modified permits for solid waste management facilities which receive or are intended to receive wastes generated off the permitted site. Modifications for the limited purposes of changing liner and leachate collection design, changes in waste streams from within the facility's designated service area, changes in sequence of fill, and changes to incorporate new technology, or changes intended to bring a facility into compliance with statutes and regulations are specifically excluded from this moratorium. Said moratorium shall continue for a period of 24 months from the effective date of this Act. Said moratorium shall not apply to those solid waste management facilities which have applied for or shall apply for new or modified permits to accept solid waste which is generated solely from sources in the State of Alabama and counties contiguous to the State of Alabama.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the substitute offered by Rep. Petelos to the bill H. 275 as amended, was lost.

Yeas 43; Nays 51.

Yeas:

Reps. Adams, Beers, Blake, Bowling, Breedlove, Brooks, Bugg, Butler, Campbell, Carter, Cosby, Crow, Frazier, Freeman, Fuller, Grayson, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Marks, McMillan, Mikell, Parker, Payne, Poole, Rains, Sanderford, Starkey, Turner, Turnham, Venable, White (G) and Wright.

—43

Nays:

Mr. Speaker, Beasley, Biddle, Black, Box, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Colvin, Curry, Flowers, Ford, Gaston, Gray, Grouby, Hall, Harper, Haynes, Hogan, Holmes, Hooper, Kennedy, Lindsey, Logan, Marietta, Mathis, McKee, Melton, Moon, Newman, Newton (C), Newton (D), Perdue, Petelos, Richardson, Rogers, Slaughter, Spratt, Thomas, Walker, Warren, White (F), White (L), Williams, Willis and Zoghby.

—51

MOTION TO INDEFINITELY POSTPONE

Rep. Holley offered the motion to indefinitely postpone the bill, H. 275 as amended, and the pending substitute.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Holley to carry over the motion to indefinitely postpone the bill, H. 275 as amended, and the pending substitute to the thirtieth legislative day, was lost.

Yeas 32; Nays 42.

Yeas:

Mr. Speaker, Adams, Beers, Bowling, Bugg, Buskey (JL), Clark (W), Crow, Frazier, Grayson, Hamilton, Hammett, Harvey, Headley, Hill, Holley, Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Newman, Parker, Payne, Poole, Rains, Sanderford, Turner, Venable, White (G) and Wright.

—32

Nays:

Reps. Beasley, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Carothers, Carter, Colvin, Cosby, Ford, Gaston, Gray, Grouby, Harper, Haynes, Higginbotham, Hogan, Hooper, Johnson (RG), Kennedy, Lindsey, Marietta, Mathis, McKee, Mikell, Moon, Perdue, Richardson, Starkey, Thomas, Turnham, Walker, Warren, White (F), White (L), Williams, Willis and Zoghby.

—42

The question was then on the motion offered by Rep. Holley to indefinitely postpone the bill, H. 275 as amended, and the pending substitute.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Box to carry over the bill, H. 275 as amended, and the pending substitute to the twenty first legislative day, was adopted.

Yeas 42; Nays 37.

Yeas:

Mr. Speaker, Beasley, Biddle, Box, Brooks, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Colvin, Crow, Flowers, Ford, Frazier, Gaston, Hall, Harper, Hogan, Holmes, Kennedy, Lindsey, Logan, Marietta, Melton, Moon, Newman, Newton (C), Newton (D), Perdue, Petelos, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Walker, White (F), White (L), Willis and Zoghby.

—42

Nays:

Reps. Adams, Blake, Blakeney, Bowling, Breedlove, Bryant, Carter, Cosby, Freeman, Gray, Grayson, Grouby, Hamilton, Hammett, Harvey, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Marks, Mathis, McKee, McMillan, Mikell, Payne, Poole, Rains, Richardson, Turner, Turnham, Venable, Warren and White (G).

—37

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Beers would have voted "Nay" on the bill H. 275 as amended, had he been in the Chamber at the time of voting.

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE BILL 246

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning House Bill 246, have met in conference and agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TAYLOR HARPER,
GARY WHITE,
JAMES M. CAMPBELL,

Conferees on the Part of the House.

HINTON MITCHEM,
W. H. DRINKARD,
FRED HORN,

Conferees on the Part of the Senate.

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1989-90 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.
- (e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of

government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total		
	General Fund	Trust Funds	Appropriation Total
2A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC AC- COUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program			9,128,054
SOURCE OF FUNDS:			
(1) State General Fund	8,728,054		
(2) Federal and Local Funds		400,000	
Total Department of Examiners of Public Accounts	8,728,054	400,000	9,128,054
2. LAW INSTITUTE, ALABAMA:			
(a) Support Of Other Educational Ac- tivities Program			368,662
SOURCE OF FUNDS:			
(1) State General Fund	368,662		
Total Alabama Law Institute	368,662		368,662
3. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Sup- port Program			212,200
SOURCE OF FUNDS:			
(1) State General Fund	212,200		
Pursuant to Section 29-6-1 et seq., <u>Code of Alabama 1975</u> .			
Total Legislative Council	212,200		212,200
4. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Sup- port Program (To include Program Review and Evaluation)			996,188
SOURCE OF FUNDS:			
(1) State General Fund	996,188		

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Total Legislative Fiscal Office	996,188	996,188
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5. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program		1,154,886
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SOURCE OF FUNDS:

(1) State General Fund	1,154,886	
Total Legislative Reference Service	1,154,886	1,154,886

6. LEGISLATURE:

(a) Legislative Operations and Support Program		9,223,000
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It is the intent of the Legislature that (1) the above appropriation shall include funds for the necessary technical expenses associated with reapportionment, (2) that at least \$60,000 shall be allocated for the Senate Finance and Taxation Committee, the Office of the Senate Pro Tempore and the Senate Rules Committee, and (3) that at least \$60,000 shall be allocated for the Ways and Means Committee, the House Rules Committee and the office of the Speaker of the House.

The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	9,223,000	
Total Legislature	9,223,000	9,223,000

7. LEGISLATURES, NATIONAL CONFERENCE OF STATE:

(a) Legislative Operations and Support Program		72,667
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SOURCE OF FUNDS:

(1) State General Fund	72,667	
Total National Conference of State Legislatures	72,667	72,667

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program		1,212,923
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SOURCE OF FUNDS:

(1) State General Fund	1,212,923	
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Total Court of Civil Appeals	1,212,923		1,212,923
2. COURT OF CRIMINAL APPEALS:			
(a) Court Operations Program			1,858,553
SOURCE OF FUNDS:			
(1) State General Fund	1,858,553		
Total Court of Criminal Appeals	1,858,553		1,858,553
3. JUDICIAL INQUIRY COMMISSION:			
(a) Administrative Services Program			123,099
SOURCE OF FUNDS:			
(1) State General Fund	123,099		
Total Judicial Inquiry Commission	123,099		123,099
4. JUDICIAL RETIREMENT FUND:			
(a) Retirement Systems Program			1,371,000
SOURCE OF FUNDS:			
(1) State General Fund	1,371,000		
Total Judicial Retirement Fund	1,371,000		1,371,000
5. SUPREME COURT:			
(a) Court Operations Program			4,811,800
SOURCE OF FUNDS:			
(1) State General Fund	4,811,800		
Total Supreme Court	4,811,800		4,811,800
6. UNIFIED JUDICIAL SYSTEM:			
(Administrative Office of Courts)			
(a) Court Operations Program			61,048,184
(b) Administrative Services Program			3,593,099
(c) DUI Referral Program			105,915
(d) Fringe Benefit Program, Estimated			300,000
SOURCE OF FUNDS:			
(1) State General Fund	64,417,198		
(2) State General Fund-Social Security-County Judicial, Estimated	300,000		
(3) Clerks' and Registers' Supernumerary Fund		330,000	
Total Unified Judicial System	64,717,198	330,000	65,047,198

In addition to the above appropriations in Section 2B, there is hereby conditionally appropriated from the

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State General Fund to be conditional upon the availability of funds and with the approval of the Governor, the following amounts: Court of Civil Appeals \$67,376; Court of Criminal Appeals \$398,662; Supreme Court \$1,198,441; and Unified Judicial System \$5,662,384.

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program	1,784
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SOURCE OF FUNDS:

(1) State General Fund	1,784	
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As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.

Total Alabama Academy of Honor	1,784	1,784
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2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program	355,041
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund	355,041	
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	355,041	355,041
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program	222,400
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SOURCE OF FUNDS:

(1) State General Fund	11,200	
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For the State General Fund Contribution to the total expenditure of \$750,000 pursuant to Section 41-9-73, Code of Alabama 1975.

(2) State General Fund, Estimated	200,000		
For expenditures as provided in Section 31-3-2 and Section 36-30-2, <u>Code of Alabama 1975</u> .			
(3) State General Fund-Administrative Costs	11,200		
Total Board of Adjustment	222,400		222,400
4. AERONAUTICS, DEPARTMENT OF:			
(a) Airport Development and Aeronautical Support Program			915,832
SOURCE OF FUNDS:			
(1) Airport Development Fund-Aviation Fuel Tax		894,272	
As provided by Section 4-2-42, <u>Code of Alabama 1975</u> .			
(2) Airport Development Fund-Federal Funds		21,560	
Total Department of Aeronautics		915,832	915,832
5. AGING, COMMISSION ON:			
(a) Planning and Advocacy for the Elderly Program			17,838,225
(b) Medicaid Waiver Services Program			6,272,961
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,331,299		
(2) State General Fund-Transfer Medicaid Waiver	1,696,816		
(3) Federal and Local Funds		21,083,071	
Total Commission on Aging	3,028,115	21,083,071	24,111,186

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled". The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local

Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program	2,299,926
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,149,926	
(2) Interest Income		150,000

As provided in Section 9-8A-4.1, Code of Alabama 1975.

Total Agricultural and Conservation Development Commission	2,149,926	150,000	2,299,926
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7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program	50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000
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Total Alabama Agricultural and Industrial Exhibit Commission	50,000	50,000
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8. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program	859,506
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SOURCE OF FUNDS:

(1) State General Fund	169,354
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For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975, and other livestock shows and expositions.

(2) State General Fund-Transfer-Operations	132,427
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(3) State General Fund-Transfer-Livestock Coliseum	212,725
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(4) Livestock Coliseum Fund	345,000
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Total Agricultural Center Board	514,506	345,000	859,506
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9. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:

(a) Administrative Services Program			1,699,907
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(b) Agricultural Inspection Services Program			10,564,522
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Of the above appropriation to the Agricultural Inspection Services Program, a total of \$30,000 shall be transferred to the Alabama Aquaculture Center for the State of Alabama.

(c) Laboratory Analysis and Disease Control Program			3,736,664
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(d) Agricultural Development Services Program			1,655,522
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,778,097		
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(2) Federal and Local Funds		1,947,218	
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(3) Shipping Point Inspection Fund ..		4,256,300	
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Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund		3,675,000	
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Total Department of Agriculture and Industries	7,778,097	9,878,518	17,656,615
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10. ALABAMA TRUST FUND BOARD:

(a) Administrative Program			35,886
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SOURCE OF FUNDS:

(1) State General Fund	35,886		
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Total Alabama Trust Fund Board	35,886	35,886
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11. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program		23,129,145
(b) Enforcement Program		6,216,100

The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1989-90 shall not be reduced below the level of services provided in this program in fiscal year 1988-89.

(c) Administrative Services Program		4,175,540
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The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer of \$596,000 to the State General Fund and a transfer to the Department of Public Safety of \$2,000,000. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund		33,520,785
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of

malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board		33,520,785	33,520,785
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12. ARCHITECTS, BOARD FOR REGISTRATION OF:			
(a) Professional and Occupational Licensing and Regulation Program			260,500
SOURCE OF FUNDS:			
(1) Fund of the Board for Registration of Architects		260,500	
As provided in Section 34-2-41, <u>Code of Alabama 1975</u> .			
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Total Board for Registration of Architects		260,500	260,500
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13. ARCHIVES AND HISTORY, DEPARTMENT OF:			
(a) Historical Resources Management Program			2,692,843
SOURCE OF FUNDS:			
(1) State General Fund	2,641,707		
(2) Federal and Local Funds		51,136	
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Total Department of Archives and History	2,641,707	51,136	2,692,843
<hr/>			
14. ATTORNEY GENERAL, OFFICE OF THE:			
(a) Legal Advice and Legal Services Program			7,064,246
(b) Fair Marketing Practices Program			598,284
(c) Drug Enforcement Program			125,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	6,066,835		
(2) State General Fund-Transfer-Consumer Protection	588,284		
(3) State General Fund-Transfer-Drug Enforcement Program	125,000		
(4) Federal and Local Funds		1,007,411	
Total Office of the Attorney General ..	6,780,119	1,007,411	7,787,530

In addition to the above appropriation, there is hereby conditionally appropriated the sum of \$400,000 from the State General Fund for a drug enforcement program to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

15. AUDITOR, STATE:

(a) Fiscal Management Program		857,107	
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SOURCE OF FUNDS:

(1) State General Fund	857,107		
Total State Auditor	857,107		857,107

16. BANKING DEPARTMENT, STATE:

(a) Charter, License and Regulate Financial Institutions Program		3,202,792	
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SOURCE OF FUNDS:

(1) Banking Assessment Fees	2,865,000		
As provided in Section 5-2A-20, <u>Code of Alabama 1975.</u>			
(2) Loan Examination Fund	337,792		
As provided in Section 5-2A-24, Section 5-16-38.1, and Section 5-18-5, <u>Code of Alabama 1975.</u>			
Total State Banking Department		3,202,792	3,202,792

17. BAR ASSOCIATION, ALABAMA STATE:

(a) Professional and Occupational Licensing and Regulation Program		1,410,782	
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SOURCE OF FUNDS:

(1) State Bar Association Fund	1,260,127		
As provided in Section 34-3-4 and Section 34-3-44, <u>Code of Alabama 1975.</u>			
(2) Federal and Local Funds	150,655		

As provided in Section 34-3-44, 34-3-17 and 34-3-18, Code of Alabama 1975.

Total Alabama State Bar Association	1,410,782	1,410,782	
18. BEAR CREEK DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			54,535
SOURCE OF FUNDS:			
(1) State General Fund	54,535		
Total Bear Creek Development Authority	54,535		54,535
19. BUILDING COMMISSION, STATE:			
(a) Special Services Program			1,408,500
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	858,762		
(2) Federal and Local Funds		549,738	
Total State Building Commission	858,762	549,738	1,408,500
20. CAHAWBA ADVISORY COMMITTEE:			
(a) Historical Resources Management Program			9,550
SOURCE OF FUNDS:			
(1) State General Fund	9,550		
Total Cahawba Advisory Committee ..	9,550		9,550
21. CHILD ABUSE AND NEGLECT PREVENTION BOARD:			
(a) Social Services Program			534,196
In accordance with Sections 26-16-1 et seq., <u>Code of Alabama 1975.</u>			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	325,000		
(2) Children's Trust Fund, Estimated		209,196	
Total Child Abuse and Neglect Prevention Board	325,000	209,196	534,196
22. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			102,700
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund		102,700	

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As provided in Section 34-24-143, Code of Alabama 1975.

Total Alabama State Board of Chiropractic Examiners	102,700	102,700
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23. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:

(a) State Land Management Program		873,871
(b) Outdoor Recreation Sites and Services Program		25,487,835
(c) Marine Police Program		2,767,742
(d) Wildlife Game and Fish Program		16,182,848
(e) Marine Resources Program		2,199,000

Of the above appropriation, \$50,000 shall be used for the planting of oyster shells on the state reefs.

(f) Administrative Services Program		2,886,450
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The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,541,006	
(2) Game and Fish Fund-Licenses, Fines, Fees, Interest Income, and Other Departmental Receipts		11,897,300
(3) Game and Fish Fund-Federal and Local Funds		4,285,548
(4) State Lands Fund		873,871

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(5) Marine Resources Fund-Licenses, Taxes, Fines and Other Departmental Receipts		1,219,000
(6) Marine Resources Fund-Federal and Local Funds		980,000

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from

contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(7) Marine Police Fund-Licenses, Fines, Taxes, and Other Departmental Receipts	2,347,742
(8) Marine Police Fund-Federal and Local Funds	420,000
(9) State Parks Fund	300,000
(10) Parks Revolving Fund	20,646,829
(11) State Parks Fund-Cigarette Tax	3,000,000
(12) Administrative Funds	2,886,450

The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.

Total Department of Conservation and Natural Resources	1,541,006	48,856,740	50,397,746
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In addition to the above appropriation to the Department of Conservation and Natural Resources, there is hereby conditionally appropriated from the State General Fund \$500,000 to the Outdoor Recreation Sites and Services Program to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and the approval of the Governor.

In addition to the above appropriation to the Department of Conservation and Natural Resources, there is hereby conditionally appropriated the sum of \$200,000 from the State General Fund for the development of the Choctawhatchee-Pea River Basin to be allotted only in the event the federal government allocates \$200,000 or more for said project.

24. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program 443,521

SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund 443,521

Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	443,521	443,521
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25. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program 9,709,045

(b) Institutional Services Corrections Program 113,521,611

Of the above appropriation, at least \$1,900,000 shall be expended for the operation of new expansions to existing facilities and \$3,600,000 shall be expended for opening a new prison in Barbour County, Alabama.

(c) Correctional Agricultural and Industries Program 18,594,033

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for either the agribusiness element or the industries element.

SOURCE OF FUNDS:

(1) State General Fund-Transfer 119,430,656

(2) Department of Corrections Fund 22,394,033

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional

funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

Total Department of Corrections	119,430,656	22,394,033	141,824,689
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In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund to the Department of Corrections \$6,500,000. This conditional appropriation is to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

26. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			790,100
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	790,100		
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As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	790,100		790,100
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27. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program			84,000
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	84,000		
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As provided in Section 34-8A-6, Code of Alabama 1975.

Total Alabama Board of Examiners in Counseling	84,000		84,000
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28. CREDIT UNION ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program			436,203
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund	436,203		
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As provided in Section 5-17-7, Code of Alabama 1975.

Total Alabama Credit Union Administration	436,203	436,203
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29. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated		566,000
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensation Commission Fund, Estimated	566,000	
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To be expended in accordance with Sections 15-23-1 et seq., Code of Alabama 1975.

Total Alabama Crime Victims Compensation Commission	566,000	566,000
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30. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program		4,111,587
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,929,287		
(2) Federal and Local Funds		1,182,300	

Total Alabama Criminal Justice Information Center	2,929,287	1,182,300	4,111,587
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31. DESOTO COMMISSION, ALABAMA:

(a) Historical Resources Management Program		25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000		
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As provided by Executive Order 42, September 13, 1985.

Total Alabama DeSoto Commission ..	25,000	25,000
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32. DEVELOPMENT OFFICE, ALABAMA:

(a) Promotional Development Program-Alabama Film Commission ..		305,000
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(b) Administrative Services Program		204,512
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Of the above appropriation to the Administrative Services Program, not more than \$95,000 shall be spent for

the Small Business Office of Advocacy.

- (c) Industrial Development Program-
Alabama Development Office 4,381,227

SOURCE OF FUNDS:

(1) State General Fund-Transfer-Ala- bama Development Office	4,281,227		
(2) State General Fund-Transfer-Of- fice of Minority Business	109,512		
(3) State General Fund-Transfer-Small Business Office of Advocacy	95,000		
(4) State General Fund-Transfer-Ala- bama Film Commission	305,000		
(5) Departmental Receipts		100,000	
Total Alabama Development Office	4,790,739	100,000	4,890,739

In addition to the above appropriation to the Industrial Development Program-Alabama Development Office, there is hereby conditionally appropriated from the State General Fund \$350,000 to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

33. DISTRICT ATTORNEYS:

- (a) Court Operations Program 13,058,841

The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys 2,525,999

Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit 61,312

For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit 145,577

Salaries and expenses of Supernumerary District Attorneys 1,116,250

For use in the District Attorney's Office of the following Judicial Circuits:

1st Judicial Circuit 128,814

2nd Judicial Circuit 143,493

3rd Judicial Circuit 107,000

4th Judicial Circuit 446,560

5th Judicial Circuit 411,727

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6th Judicial Circuit	318,485
7th Judicial Circuit	253,716
8th Judicial Circuit	193,289
9th Judicial Circuit	172,074
10th Judicial Circuit	483,268
11th Judicial Circuit	138,746
12th Judicial Circuit	296,338
13th Judicial Circuit	522,830
14th Judicial Circuit	168,087
15th Judicial Circuit	451,468
16th Judicial Circuit	273,850
17th Judicial Circuit	140,335
18th Judicial Circuit	301,953
19th Judicial Circuit	208,203
20th Judicial Circuit	217,899
21st Judicial Circuit	164,733
22nd Judicial Circuit	143,933
23rd Judicial Circuit	360,739
24th Judicial Circuit	136,542
25th Judicial Circuit	130,666
26th Judicial Circuit	228,670
27th Judicial Circuit	181,310
28th Judicial Circuit	274,207
29th Judicial Circuit	246,276
30th Judicial Circuit	234,267
31st Judicial Circuit	134,113
32nd Judicial Circuit	172,911
33rd Judicial Circuit	170,413
34th Judicial Circuit	118,267
35th Judicial Circuit	112,922
36th Judicial Circuit	114,605
37th Judicial Circuit	225,335
38th Judicial Circuit	173,148
39th Judicial Circuit	146,180
Travel Expenses of District Attorneys	75,000
Investigators Subsistence-Section 36- 21-2, <u>Code of Alabama</u> <u>1975</u>	196,441

SOURCE OF FUNDS:

(1) State General Fund	13,058,841
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Total District Attorneys	13,058,841		13,058,841
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34. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:			
(a) Administrative Support Services Program			5,063,270
(b) Planning Program			34,366,826
Of the above appropriation, \$300,000 shall be spent for the Regional Planning Commissions and \$50,000 shall be expended for the Alabama Council of Economic Education.			
(c) Special Services Program			18,563,078
(d) Skills Enhancement and Employment Opportunities Program			63,984,265
(e) Energy Management Program			10,404,856
(f) Traffic Control and Accident Prevention Program			3,034,323
(g) Law Enforcement Planning and Development Program			5,022,782
(h) Surplus Property Program			1,403,000
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	7,356,681		
(2) Federal and Local Funds		128,119,449	
(3) Administrative Transfers and Other Departmental Receipts		5,063,270	
(4) Administrative Transfers from Federal Donated Surplus Property Sales		700,000	
(5) Administrative Transfers from State-Owned Surplus Property Sales		603,000	
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Total Alabama Department of Economic and Community Affairs	7,356,681	134,485,719	141,842,400
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35. EDUCATION, DEPARTMENT OF:			
(a) Direct Client Services for the Handicapped-Homebound Program			2,000,000
(b) Projects-Vocational Rehabilitation/Crippled Children Services Program-Eye Injury Register			30,000
In addition to the above appropriation there is also hereby conditionally appropriated from the State General Fund the sum of \$350,000 for the Helen Keller Eye Research Foundation to be conditioned upon the			

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availability of funds in the State General Fund and the approval of the Governor.

SOURCE OF FUNDS:

(1) State General Fund	2,030,000		
Total Department of Education	2,030,000		2,030,000

36. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			93,000
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SOURCE OF FUNDS:

(1) Electrical Contractors Board Fees	93,000		
As provided in Section 34-36-17, Code of Alabama 1975.			
Total Board of Electrical Contractors	93,000		93,000

37. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program			4,265
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SOURCE OF FUNDS:

(1) State General Fund	4,265		
Total Elk River Development Agency	4,265		4,265

38. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program			5,284,164
(b) Transfer to County Emergency Management Agencies			350,000

The above appropriation of \$350,000 is to be in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,096,760		
(2) Federal and Local Funds		4,537,404	
Total Emergency Management Agency	1,096,760	4,537,404	5,634,164

39. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program			27,149
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SOURCE OF FUNDS:

(1) State General Fund	27,149		
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Total Southern States Energy Board	27,149		27,149
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40. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:			
(a) Professional and Occupational Licensing and Regulation Program			428,000
SOURCE OF FUNDS:			
(1) Professional Engineers Fund		428,000	
As provided in Section 34-11-36, <u>Code of Alabama 1975</u> .			
<hr/>			
Total State Board of Registration for Professional Engineers and Land Surveyors		428,000	428,000
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41. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:			
(a) Environmental Management Program			33,416,015
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	5,045,110		
(2) State General Fund-Transfer to Water Pollution Control Authority	2,200,000		
(3) State General Fund-Transfer to Hazardous Substance Cleanup Fund	50,000		
(4) Environmental Management Fines and Fees		2,511,498	
As provided in Section 22-22A-11, <u>Code of Alabama 1975</u> .			
(5) Federal and Local Funds		8,209,407	
(6) Federal Match-Water Pollution Control Authority		11,000,000	
(7) Transfer from Underground Storage Tank Trust Fund-Act 88-378		400,000	
(8) Underground Storage Trust Fund Fees-Act 88-378		4,000,000	
<hr/>			
Total Department of Environmental Management	7,295,110	26,120,905	33,416,015
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Of the above appropriation to the Department of Environmental Management, the sum of \$100,000 shall be used to fund the Tire Recycling Center in Gadsden. In addition to the above appropriation to the Department of Environmental Management, there is hereby conditionally appropriated from the			

State General Fund \$400,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor for general operating expenses for the department.

In addition to the above appropriation to the Department of Environmental Management, there is hereby conditionally appropriated from the State General Fund \$500,000 to be used solely for the purpose of cleanup operations of abandoned or inactive hazardous substance sites, reimbursement to the fund for monies expended by the department for cleanup of such sites, and as matching funds to allow cleanups and operation and maintenance of sites which have completed cleanup under the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.), such funds to be released to the fund on a project-by-project basis, conditioned upon the availability of funds in the State General Fund, the recommendation of the Finance Director, and the approval of the Governor.

42. ETHICS COMMISSION, ALABAMA:

(a) Regulation of Public Officials and Employees Program	327,030
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SOURCE OF FUNDS:

(1) State General Fund	327,030	
Total Alabama Ethics Commission	327,030	327,030

In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$64,326 to the Alabama Ethics Commission, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

43. FARM CRISIS AND TRANSITION PROGRAM:

(a) Agricultural Development Services Program	110,082
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	110,082		
Total Farm Crisis and Transition Program	110,082		110,082

44. FARMERS' MARKET AUTHORITY:

(a) Agricultural Development Services Program			284,398
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SOURCE OF FUNDS:

(1) State General Fund-Transfer for Administration	97,332		
(2) Farmers' Market Authority Administration-Transfer from Capital Outlay Account		43,533	
(3) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		143,533	
Total Farmers' Market Authority	97,332	187,066	284,398

45. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program			3,847,591
(b) Administrative Support Services Program			4,755,652

SOURCE OF FUNDS:

(1) State General Fund	8,553,243		
(2) Miscellaneous Funds		50,000	
Total Department of Finance	8,553,243	50,000	8,603,243

46. FINANCE, DEPARTMENT OF-AIR TRANSPORTATION:

(a) Administrative Support Services Program			1,753,675
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SOURCE OF FUNDS:

(1) State General Fund	1,191,265		
(2) Departmental Receipts, Estimated		562,410	
Total Department of Finance-Air Transportation	1,191,265	562,410	1,753,675

47. FINANCE, DEPARTMENT OF-ALABAMA BUILDING AUTHORITY:

(a) Administrative Support Services Program, Estimated			1,029,164
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SOURCE OF FUNDS:

(1) Alabama Building Authority Operating Fund		1,029,164	
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Total Department of Finance-Ala- bama Building Authority	1,029,164	1,029,164
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It is the intent of the Legislature that none of the above appropriation be used for capital purchases of land or buildings.

48. FINANCE, DEPARTMENT OF-
ALABAMA BUILDING FI-
NANCE AUTHORITY:

(a) Administrative Support Services Program, Estimated	1,240,461	
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SOURCE OF FUNDS:

(1) Alabama Building Finance Au- thority Operating Fund	1,240,461	
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Total Department of Finance-Ala- bama Building Finance Authority ..	1,240,461	1,240,461
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It is the intent of the Legislature that none of the above appropriation be used for capital purchases of land or buildings.

49. FINANCE, DEPARTMENT OF-
CAPITOL COMPLEX MAINTENANCE AND REPAIR:

(a) Administrative Support Services Program, Estimated	9,442,678	
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(b) Transfer to State General Fund ...	1,750,075	
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SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund	9,442,678	
(2) Transfer to State General Fund ...	1,750,075	

Total Department of Finance-Capitol Complex Maintenance and Repair	11,192,753	11,192,753
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The above appropriation includes funds for maintenance, repair and lease payments on the new Gordon Persons Building. It is the intent of the Legislature that none of the above appropriation be used for capital purchases of land or buildings.

50. FINANCE, DEPARTMENT OF-
DATA CENTER REVOLVING
FUND:

(a) Administrative Support Services Program, Estimated	18,507,570	
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SOURCE OF FUNDS:

(1) Data Center Revolving Fund	18,507,570	
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Total Department of Finance-Data Center Revolving Fund	18,507,570	18,507,570
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51. FINANCE, DEPARTMENT OF-
STATE INSURANCE FUND:

(a) Administrative Support Services Program	747,559
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SOURCE OF FUNDS:

(1) State Insurance Fund-Admin.	747,559
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As provided in Sections 41-15-1 et seq.,
Code of Alabama 1975.

Total Department of Finance-State In- surance Fund	747,559	747,559
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52. FINANCE, DEPARTMENT OF-
CENTRAL MAIL AND SUPPLY:

(a) Administrative Support Services Program	5,676,624
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SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund	5,676,624
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Total Department of Finance-Central Mail and Supply	5,676,624	5,676,624
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53. FINANCE, DEPARTMENT OF-
MOTOR POOL:

(a) Administrative Support Services Program, Estimated	1,880,271
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SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund	1,880,271
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Total Department of Finance-Motor Pool	1,880,271	1,880,271
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It is the intent of the Legislature that
none of the above appropriation be
used for capital purchases of land or
buildings.

54. FINANCE, DEPARTMENT OF-
PRINTING AND PUBLICA-
TIONS:

(a) Administrative Support Services Program	4,881,315
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SOURCE OF FUNDS:

(1) Printing and Publications Revolv- ing Fund	4,881,315
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Total Department of Finance-Printing and Publications		4,881,315	4,881,315
55. FINANCE, DEPARTMENT OF- TELEPHONE REVOLVING FUND:			
(a) Administrative Support Services Program			8,741,500
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	2,312,000		
(2) Telephone Revolving Fund, Est. ..		6,429,500	
Total Department of Finance-Tele- phone Revolving Fund	2,312,000	6,429,500	8,741,500
56. FOREIGN TRADE RELA- TIONS COMMISSION:			
(a) Special Services Program			102,205
SOURCE OF FUNDS:			
(1) State General Fund	102,205		
Total Foreign Trade Relations Commission	102,205		102,205
57. FORENSIC SCIENCES, DE- PARTMENT OF:			
(a) Forensic Science Services Program			6,369,225
SOURCE OF FUNDS:			
(1) State General Fund	6,211,710		
(2) Federal and Local Funds		157,515	
Total Department of Forensic Sciences	6,211,710	157,515	6,369,225
58. FORESTERS, ALABAMA STATE BOARD OF REGISTRA- TION FOR:			
(a) Professional and Occupational Li- censing and Regulation Program			35,000
SOURCE OF FUNDS:			
(1) Professional Foresters Fund		35,000	
As provided in Section 34-12-36, <u>Code</u> <u>of Alabama 1975.</u>			
Total Alabama State Board of Regis- tration for Foresters		35,000	35,000
59. FORESTRY COMMISSION, ALABAMA:			
(a) Forest Resources Protection and Development Program			24,401,242
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	12,876,624		

(2) Federal and Local Funds	2,801,625
(3) Forestry Commission Fund	8,722,993

Of the above appropriation, \$2,668,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission	12,876,624	11,524,618	24,401,242
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Of the above appropriation, \$500,000 shall be used for forestry research, marketing, management and environmental improvement grants.

In addition to the above appropriation to the Alabama Forestry Commission, there is hereby conditionally appropriated for capital outlay from the Alabama Forestry Commission Fund the net proceeds from the sale of certain present property where the Birmingham District Headquarters is located in Jefferson County. The proceeds from said sale shall be covered into the Alabama Forestry Commission Fund. The above conditional appropriation shall be used to purchase land, building(s), and/or construction of building(s) in order to relocate the Birmingham District Headquarters. This conditional appropriation shall become absolute when said sale is concluded, recommended by the Finance Director and approved by the Governor.

60. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	135,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	135,000
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As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service	135,000	135,000
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61. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	2,700,700
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SOURCE OF FUNDS:

(1) State General Fund	2,195,184
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(2) Federal and Local Funds	604,525		
Total Geological Survey	2,195,184	604,525	2,799,709

62. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program			5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000		
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As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board	5,000		5,000
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63. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program			1,117,028
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SOURCE OF FUNDS:

(1) State General Fund	1,117,028		
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Total Governor's Contingency Fund ...	1,117,028		1,117,028
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64. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program			9,073
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	9,073		
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Total Governor's Mansion Advisory Board	9,073		9,073
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In addition to the above appropriation, there is hereby appropriated the sum of \$1,500,000 for capital outlay purposes to be conditioned on the availability of funds in the State General Fund and the approval of the Governor.

65. GOVERNOR'S MANSION:

(a) Executive Direction Program			191,130
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SOURCE OF FUNDS:

(1) State General Fund	191,130		
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Total Governor's Mansion	191,130		191,130
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66. GOVERNOR'S OFFICE:

(a) Executive Direction Program			1,660,369
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SOURCE OF FUNDS:

(1) State General Fund	1,660,369		
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Total Governor's Office	1,660,369	1,660,369
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67. GOVERNOR'S OFFICE ON
VOLUNTEERISM:

(a) Executive Direction Program		84,323
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	84,323	
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Total Governor's Office on Volunteerism	84,323	84,323
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68. HEALTH, DEPARTMENT OF
PUBLIC:

(a) Personal Health Improvement Program		74,855,923
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(b) Health Support Services Program		51,656,612
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Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties, and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program		8,208,183
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SOURCE OF FUNDS:

(1) State General Fund	28,480,182	
(2) Cigarette Tax-\$0.01 and \$0.02		4,000,000

As provided in Section 40-25-2 and Section 40-25-23, Code of Alabama 1975.

(3) Vital Statistics Fund		1,263,053
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(4) Hospital Licensing Fund		437,577
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(5) Emergency Medical Services Fund		50,000
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As provided in Section 22-18-4, Code of Alabama 1975.

(6) Local Health Departments	23,876,073	
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(7) Nuclear Monitoring Fund		134,770
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(8) Radiation Safety Fund		79,911
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(9) Miscellaneous Funds		12,519,239
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(10) Federal Funds	63,879,913	
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Total Department of Public Health	28,480,182	106,240,536	134,720,718
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Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal projects. The Department of

Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

In addition to the above appropriation, there is hereby conditionally appropriated \$2,000,000 from the State General Fund to the Department of Public Health for the possible reduction in cigarette tax revenue due to the issuance of Mental Health bonds. These funds are conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

69. HEALTH PLANNING
AGENCY, STATE:

(a) Health Planning Development and Regulation Program	731,653
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	319,486		
(2) Certificate of Need Fees		362,167	
(3) Departmental Receipts		50,000	
Total State Health Planning Agency ..	319,486	412,167	731,653

In addition to the above appropriation to the State Health Planning Agency, there is hereby conditionally appropriated the sum of \$150,000 from Certificate of Need Fees or any other Department Receipts to be conditioned on the availability of said funds and the approval of the Governor.

70. HEARING AID DEALERS,
ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	50,000
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SOURCE OF FUNDS:

(1) State Board of Health-Hearing Aid Fund	50,000
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As provided in Section 34-14-33, Code of Alabama 1975.

Total Alabama Board of Hearing Aid Dealers	50,000	50,000
71. HEATING AND AIR CONDITIONING CONTRACTORS, BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		175,550
SOURCE OF FUNDS:		
(1) Heating and Air Conditioning Contractors Fund	175,550	
Total Board of Heating and Air Conditioning Contractors	175,550	175,550
72. HERITAGE TRUST FUND, ALABAMA:		
(a) Fiscal Management Program		20,000
SOURCE OF FUNDS:		
(1) Heritage Trust Income	20,000	
Total Alabama Heritage Trust Fund ..	20,000	20,000
73. HIGHWAY DEPARTMENT:		
(a) Central Administration Program		12,430,466
(b) Division and District Supervision Program		20,812,480
(c) Operations and Support Services Program		8,671,508
(d) Maintenance Program		144,391,788
(e) Non-Programmatic Programs		28,051,057
Proposed spending plan for the above (e) includes the following:		
Debt Service	26,373,056	
Equipment-Other than Automotive	1,678,001	
(f) Construction-Federal Aid Program		332,729,128
Proposed spending plan for the above (f) includes the following:		
Federal Aid Matching	48,119,128	
Non-Participating Work on Federal Projects	1,000,000	
Federal Aid	283,610,000	
(g) Construction-State Program		20,000,000
(h) Operations-Land and Buildings ...		3,361,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	71,500	
(2) Public Road and Bridge Fund		286,765,927

(3) Federal Aid

283,610,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds theretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$26,373,056 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all

appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. In addition to the above appropriation to the Highway Department, there is hereby appropriated the sum of \$350,000 from any sources available to the Highway Department as the state match for additional federal mass transit funds to purchase capital equipment (rolling stock) for the state mass transportation program and for an insurance and/or self insurance program.

Total Highway Department	71,500	570,375,927	570,447,427
74. HISTORIC BLAKELEY AUTHORITY:			
(a) Tourism and Travel Promotion Program			290,150
SOURCE OF FUNDS:			
(1) State General Fund	290,150		
Total Historic Blakeley Authority	290,150		290,150
75. HISTORIC CHATTAHOOCHEE COMMISSION:			
(a) Historical Resources Management Program			125,000
SOURCE OF FUNDS:			
(1) State General Fund	125,000		
Total Historic Chattahoochee Commission	125,000		125,000
76. HISTORICAL COMMISSION, ALABAMA:			
(a) Historical Resources Management Program			2,279,323
(b) Historical Resources Management Program-Capital Outlay			108,249
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,141,260		
The above appropriation shall be distributed as follows:			
Historical Commission, Alabama	569,486		
Historical Commission, Alabama-La Grange	7,774		

Historical Commission, Alabama-Magnolia Grove	38,000		
Historical Commission, Alabama-Fort Morgan	180,000		
Historical Commission, Alabama-Fort Toulouse	110,294		
Historical Commission, Alabama-John T. Morgan House, Selma	11,460		
Historical Commission, Alabama-Cahaba	150,000		
Historical Commission, Alabama-Gaineswood	74,246		
(2) State General Fund-Transfer-Capital Outlay	108,249		
(3) Soldiers Fund		174,170	
As provided in Section 40-8-3, <u>Code of Alabama 1975</u> .			
(4) Alabama State Historical Preservation Fund-Departmental Receipts		513,893	
(5) Federal and Local Funds		450,000	
Total Alabama Historical Commission	1,249,509	1,138,063	2,387,572

In addition to the above appropriation, there is hereby appropriated for capital outlay purposes the sum of \$125,000 to be conditioned on the availability of funds in the State General Fund and upon approval of the Governor.

77. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program 311,010,970

It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1980 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000. It is also the intent of the Legislature that

a total of 7,500 day care slots be provided beginning on October 1, 1989.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	19,557,766		
(2) State General Fund-Transfer-Day Care Slots	1,500,000		
(3) Federal and Local Funds		206,329,454	
(4) ABC Profits		1,100,000	
(5) Whiskey Tax		21,477,000	
(6) Beer Tax		9,065,000	
(7) Pension Residue		14,773,000	
(8) Sales Tax		1,322,000	
(9) Franchise Tax		13,600,000	
(10) Child Support Collections		3,671,750	
(11) Sales Tax for Food Stamps		12,000,000	
(12) Cigarette Tax		4,250,000	
(13) Contractor's Gross Receipts Tax		2,365,000	
Total Department of Human Resources	21,057,766	289,953,204	311,010,970

In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$8,750,000 to the Department of Human Resources to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor. It is the intent of the Legislature that the \$8,750,000 be expended to address the crisis situation in child welfare by funding the initial recommendations proposed by the Governor's Special Commission on Child Welfare Services.

In addition to the above appropriations, there is also hereby conditionally appropriated from the State General Fund the sum of \$4 million to the Department of Human Resources for Aid to Dependent Children to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

78. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program

The above appropriation is to be expended in accordance with Sections

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41-9-708 et seq., Code of Alabama
1975.

SOURCE OF FUNDS:

(1) State General Fund	167,176	
Total Alabama Indian Affairs		
Commission	167,176	167,176

79. INDUSTRIAL DEVELOP-
MENT AUTHORITY, STATE:

(a) Industrial Development Program 73,000

SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	73,000	
Total State Industrial Development		
Authority	73,000	73,000

80. INDUSTRIAL RELATIONS,
DEPARTMENT OF:

(a) Employment Security Program 44,816,267

(b) Industrial Safety and Accident
Prevention Program 8,375,868

Of the above appropriation, a total of
\$100,000 shall be distributed to
Walker State Technical College to be
used in mine rescue programs.

(c) Administrative Services Program 10,523,200

(d) Workmen's Compensation
Program 614,261

SOURCE OF FUNDS:

(1) State General Fund	1,322,318	
(2) Federal and Local Funds	63,007,278	
Total Department of Industrial		
Relations	1,322,318	63,007,278
		64,329,596

In addition to the above appropriation,
there is hereby conditionally appro-
priated from the State General Fund
\$105,457 to the Department of In-
dustrial Relations, Industrial Safety
and Accident Prevention Program,
to be conditioned upon the availa-
bility of funds in the State General
Fund, the determination of a dem-
onstrated need, recommendation by
the Finance Director, and approval
by the Governor.

81. INSURANCE, DEPARTMENT
OF:

(a) Regulatory Services Program 3,365,137

SOURCE OF FUNDS:

(1) State General Fund 2,088,440

(2) Fire Marshal's Fund	170,718		
As provided in Sections 34-33-11 and 8-17-211, <u>Code of Alabama 1975</u> .			
(3) Examination Revolving Fund	1,105,979		
Total Department of Insurance	2,088,440	1,276,697	3,365,137
Of the above appropriation from the State General fund, the sum of \$50,000 shall be expended by the Commissioner exclusively for newspaper publication of public notice of all insurance rate filings prior to any hearings, decisions or other determinations by the Commissioner.			
82. INSURANCE BOARD, STATE EMPLOYEES':			
(a) Administrative Support Services Program			353,344
SOURCE OF FUNDS:			
(1) State Employees' Insurance Board Expense Fund	353,344		
Total State Employees' Insurance Board	353,344		353,344
83. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			6,500
SOURCE OF FUNDS:			
(1) Interior Designer Fund	6,500		
As provided in Section 34-15A-7, <u>Code of Alabama 1975</u> .			
Total Alabama State Board of Registration for Interior Designers	6,500		6,500
84. LABOR, DEPARTMENT OF:			
(a) Regulatory Services Program			368,399
SOURCE OF FUNDS:			
(1) State General Fund	323,399		
(2) Federal and Local Funds		45,000	
Total Department of Labor	323,399	45,000	368,399
85. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Program			21,915
SOURCE OF FUNDS:			
(1) Landscape Architect's Fund	21,915		

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As provided in Section 34-17-6, Code of Alabama 1975.

Total Board of Examiners of Landscape Architects	21,915	21,915
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86. LIEUTENANT GOVERNOR, OFFICE OF THE:

(a) Legislative Operations and Support Program		559,755
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SOURCE OF FUNDS:

(1) State General Fund	559,755	
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Total Office of the Lieutenant Governor	559,755	559,755
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87. LIQUEFIED PETROLEUM GAS BOARD:

(a) Regulatory Services Program		356,500
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund	356,500	
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Total Liquefied Petroleum Gas Board	356,500	356,500
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88. MANUFACTURED HOUSING COMMISSION, ALABAMA:

(a) Regulatory Services Program		494,921
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund	494,921	
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As provided in Section 24-6-4, Code of Alabama 1975.

Total Alabama Manufactured Housing Commission	494,921	494,921
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89. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program		568,227,286
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The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A.87 and Health Care Financing Administration guidelines) for services provided.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	110,108,431	
(2) State General Fund-Transfer-SOBRA and Pregnancy Waiver	9,881,224	
(3) Transfer from Department of Human Resources		4,266,220

(4) Transfer from Mental Health	20,848,628		
(5) Transfer from Commission On Aging	2,401,266		
(6) Transfer from Department of Public Health	500,000		
(7) Indigent Care Trust Fund	2,196,780		
(8) Departmental Receipts	350,000		
(9) Federal and Local Funds	417,674,737		
Total Alabama Medicaid Agency	119,989,655	448,237,631	568,227,286

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid.

In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$2,226,136 to the Alabama Medicaid Agency, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

90. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program	5,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	5,000	
Total Men's Hall of Fame	5,000	5,000

91. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program	93,270,755
(b) Institutional Treatment and Care-Mental Retardation Program	71,840,991

Of the above appropriation to the Institutional Treatment and Care-Mental Retardation Program, \$175,000 shall be expended for the construction of a building for mentally retarded citizens.

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(c) Institutional Treatment and Care-Criminally Insane Program	5,790,254
(d) Administrative Services Program	5,206,316
(e) Community Services Program	70,846,436
(f) Agency Administration Program ..	708,664

SOURCE OF FUNDS:

(1) State General Fund	62,163,646
(2) Special Mental Health Trust Fund	96,204,849

For Operations and Maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Transfer from ABC Profits	1,000,000
(4) Cigarette Tax	7,000,000
(5) Departmental Receipts	7,636,509
(6) Federal and Local Funds	73,658,412

Total Department of Mental Health and Mental Retardation	62,163,646	185,499,770	247,663,416
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In addition to the above appropriation, there is hereby conditionally appropriated \$4,500,000 from the State General Fund to the Department of Mental Health and Mental Retardation for the possible reduction in cigarette tax revenue due to the issuance of Mental Health bonds. These funds are conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

There is also hereby conditionally appropriated from the State General Fund \$3,000,000 to the Department of Mental Health and Mental Retardation to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

In addition to the above absolute and conditional appropriations, there is

also hereby conditionally appropriated the sum of \$1,500,000 to be conditioned on the availability of funds in the Special Mental Health Trust Fund and upon the approval of the Governor.

92. MILITARY DEPARTMENT:

(a) Military Operations Program	5,684,821
(b) Capital Outlay	670,000

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,725,251
(2) State General Fund-Quarterly Allowances Headquarters	1,500,000

Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters.

(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services, Specifications, Repair and Construction of Facilities ..	670,000
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The above appropriation shall include funding for the construction of two armories. Of the above appropriation of \$670,000, the sum of \$10,000 is earmarked for the design of a National Guard Armory at Sulligent.

(4) State General Fund-Active Military Service	37,500
(5) State General Fund-Transfer to Armory Commission	2,413,570
(6) State General Fund-Dropping Allowance	4,500
(7) State General Fund-State Defense Force	4,000

Total Military Department	6,354,821	6,354,821
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93. MILITARY DEPARTMENT-ARMORY COMMISSION OF ALABAMA:

(a) Military Operations Program	5,756,127
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SOURCE OF FUNDS:

(1) Transfer from Military Department	2,413,570
(2) Federal and Local Funds	3,290,000
(3) Military Department Billeting Revolving Fund, Estimated	47,546

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(4) Departmental Receipts 5,011

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund, and any unobligated balance remaining thereof in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	5,756,127	5,756,127
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94. MOTOR SPORTS HALL OF FAME:

(a) Tourism and Travel Promotion Program		68,044
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SOURCE OF FUNDS:

(1) State General Fund	68,044	
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Total Motor Sports Hall of Fame	68,044	68,044
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95. MUSIC HALL OF FAME, ALABAMA:

(a) Fine Arts Program		120,354
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SOURCE OF FUNDS:

(1) State General Fund	120,354	
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Total Alabama Music Hall of Fame	120,354	120,354
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96. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		1,173,985
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund-as provided in Code of Alabama 1975, as amended, Sections 34-21-1 through 34-21-43	1,173,985	
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Total Alabama Board of Nursing	1,173,985	1,173,985	
97. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Program			54,000
SOURCE OF FUNDS:			
(1) Board of Examiners of Nursing Home Administrators Fund	54,000		
As provided in Section 34-20-7, <u>Code of Alabama 1975</u> .			
Total Board of Examiners of Nursing Home Administrators	54,000		54,000
98. OIL AND GAS BOARD:			
(a) Management and Regulation of Oil and Gas Exploration and Development Program			2,540,109
SOURCE OF FUNDS:			
(1) State General Fund	2,311,209		
(2) Oil and Gas Board Special Fund ..		218,900	
(3) Surety Bond Deposits, Estimated		10,000	
In accordance with Section 9-17-6, <u>Code of Alabama 1975</u> .			
Total Oil and Gas Board	2,311,209	228,900	2,540,109
99. PARDONS AND PAROLES, BOARD OF:			
(a) Administration of Pardons and Paroles Program			12,521,342
SOURCE OF FUNDS:			
(1) State General Fund	9,377,342		
(2) Probationers Upkeep Fund		3,144,000	
In accordance with Section 15-22-2, <u>Code of Alabama 1975</u> .			
Total Board of Pardons and Paroles ..	9,377,342	3,144,000	12,521,342

In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$1,215,303 to the Department of Pardons and Paroles, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

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100. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALA-
BAMA:

(a) Retirement Systems Program 365,751

SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Ben-
efit Fund 365,751

As provided in Section 36-21-66, Code
of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund	365,751	365,751
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101. PERSONNEL DEPART-
MENT, STATE:

(a) Administrative Support Services
Program 3,473,611

SOURCE OF FUNDS:

Transfers to the State Personnel De-
partment shall be as follows:

(1) Board of Public Accountancy	450	
(2) Department of Aeronautics	394	
(3) Commission on Aging	2,250	
(4) Department of Agriculture and Industries	50,690	
(5) Agricultural Center Board	3,376	
(6) Alcoholic Beverage Control Board	97,949	
(7) Board of Registration for Architects	169	
(8) Archives and History	5,345	
(9) State Council on the Arts	1,407	
(10) Attorney General's Office	19,860	
(11) State Auditor	2,307	
(12) State Banking Department	5,739	
(13) Building Commission	2,644	
(14) Child Abuse and Neglect Preven- tion Board	225	
(15) Chiropractic Examiners	113	
(16) Department of Conservation and Natural Resources	146,614	
(17) State Licensing Board for Gen- eral Contractors	844	
(18) Department of Corrections	316,126	
(19) Board of Cosmetology	1,238	
(20) Credit Union Administration	731	
(21) Alabama Crime Victims Com- pensation Commission	844	

(22) Criminal Justice Information Center	7,201
(23) Alabama Development Office	4,782
(24) State Docks	39,495
(25) Department of Economic and Community Affairs	37,694
(26) Department of Education	150,496
(27) Electrical Contractors Board	56
(28) Emergency Management Agency	4,557
(29) Local Emergency Management ..	5,000
(30) Board of Registration for Professional Engineers and Land Surveyors	506
(31) Department of Environmental Management	29,087
(32) Ethics Commission	788
(33) Examiners of Public Accounts	23,404
(34) Farm Crisis and Transition Program Commission	563
(35) Farmers' Market Authority	281
(36) Finance Department	55,135
(37) Finance-Alabama Building Authority	3,038
(38) Finance-Alabama Building Finance Authority	2,700
(39) Foreign Trade Relations Commission	169
(40) Department of Forensic Sciences	13,446
(41) Forestry Commission	48,721
(42) Funeral Services	169
(43) Governor's Office	3,713
(44) Department of Public Health	261,329
(45) State Health Planning Agency ...	1,744
(46) Board of Heating and Air Conditioning Contractors	225
(47) Highway Department	429,378
(48) Alabama Historical Commission	5,457
(49) Department of Human Resources	455,033
(50) Alabama Indian Affairs Commission	169
(51) Department of Industrial Relations	184,927
(52) Insurance Department	5,907

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(53) Judicial Inquiry Commission	56
(54) Department of Labor	1,013
(55) Legislative Reference Service	675
(56) Liquefied Petroleum Gas Board	731
(57) Manufactured Housing Commission	675
(58) Alabama Medicaid Agency	33,587
(59) Department of Mental Health and Mental Retardation	526,877
(60) Military Department	22,335
(61) Board of Nursing	1,969
(62) Board of Examiners of Nursing Home Administrators	56
(63) Oil and Gas Board	12,321
(64) Pardons and Paroles	31,506
(65) Peace Officers' Annuity and Ben- efit Fund	281
(66) Peace Officers' Standards and Training Commission	394
(67) Physical Fitness Commission	675
(68) Board of Physical Therapy	56
(69) Plumbers and Gas Fitters Ex- aminers Board	281
(70) Board of Polygraph Examiners ..	113
(71) Public Library Service	6,582
(72) Department of Public Safety	141,495
(73) Public Service Commission	14,628
(74) Alabama Educational Television Commission	9,452
(75) Real Estate Commission	2,138
(76) Retirement Systems	14,684
(77) Department of Revenue	139,525
(78) Seafood Advisory Commission ...	56
(79) Secretary of State	3,882
(80) Securities Commission	2,138
(81) Board of Social Work Examiners	113
(82) Soil and Water Conservation	506
(83) Surface Mining Commission	4,782
(84) Bureau of Tourism and Travel ...	8,664
(85) State Treasurer	5,232
(86) Department of Veterans' Affairs ..	7,258
(87) Board of Veterinary Medical Examiners	169

(88) Department of Youth Services ...	44,221	
Total State Personnel Department	3,473,611	3,473,611
102. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupational Li- censing and Regulation Program		101,203
SOURCE OF FUNDS:		
(1) Physical Therapist Fund	101,203	
As provided in Section 34-24-195, <u>Code</u> <u>of Alabama 1975.</u>		
Total Board of Physical Therapy	101,203	101,203
103. PLUMBERS AND GAS FIT- TERS EXAMINING BOARD, ALABAMA:		
(a) Professional and Occupational Li- censing and Regulation Program		333,700
SOURCE OF FUNDS:		
(1) Board of Plumbers and Gas Fitters Examiners Fund	333,700	
Total Alabama Plumbers and Gas Fit- ters Examining Board	333,700	333,700
104. POLYGRAPH EXAMINERS, BOARD OF:		
(a) Professional and Occupational Li- censing and Regulation Program		30,000
SOURCE OF FUNDS:		
(1) Board of Polygraph Examiners Fund	30,000	
As provided in Section 34-25-5, <u>Code</u> <u>of Alabama 1975.</u>		
Total Board of Polygraph Examiners	30,000	30,000
105. PROSECUTION SERVICES, OFFICE OF:		
(a) Prosecution, Training, Education and Management Program		1,824,292
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	666,757	
(2) Office of Prosecution Services Fund	1,157,535	

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Total Office of Prosecution Services ...	666,757	1,157,535	1,824,292
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106. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:

(a) Professional and Occupational Li- censing and Regulation Program			51,100
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SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund		51,100	
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As provided in Section 34-26-43, Code
of Alabama 1975.

Total Alabama Board of Examiners in Psychology		51,100	51,100
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107. PUBLIC SAFETY, DEPART-
MENT OF:

(a) Traffic Control and Accident Pre- vention Program			22,739,210
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(b) Criminal Investigation Program ...			6,485,599
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(c) Drivers' Licensing and Improve- ment Program			7,749,801
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(d) Public Safety Support Services Program			7,776,226
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(e) Administrative Services Program			6,972,325
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(f) Alabama Criminal Justice Train- ing Center Program			1,155,581
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SOURCE OF FUNDS:

(1) State General Fund	48,807,714		
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(2) Transfer from ABC Profits		2,000,000	
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(3) Federal and Local Funds		2,071,028	
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Total Department of Public Safety	48,807,714	4,071,028	52,878,742
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In addition to the above appropriation,
there is hereby conditionally appropri-
ated from the State General Fund
\$2,000,000 to the Department of
Public Safety for additional person-
nel and employee benefits. These
funds are conditioned upon the
availability of funds in the State
General Fund, the determination of
a demonstrated need, recommenda-
tion by the Finance Director, and
approval by the Governor.

108. PUBLIC SERVICE COMMIS-
SION:

(a) Regulatory Services Program			4,665,361
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(b) Administrative Services Program			3,446,689
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SOURCE OF FUNDS:

(1) Public Service Commission Fund	7,613,575
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The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies, and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund	376,475	
(3) Departmental Receipts	22,000	
(4) Federal and Local Funds	100,000	
Total Public Service Commission	8,112,050	8,112,050

109. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	1,267,638
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	1,267,638
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As provided in Section 34-27-4, Code of Alabama 1975 and the total expenditures shall in no manner exceed the amounts hereby appropriated.

Total Alabama Real Estate Commission	1,267,638	1,267,638
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110. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program	57,212,964
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000
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As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.

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(2) State General Fund-Board of Equalization	124,442
(3) Transfer from the gross proceeds of Cigarette Tax Collections	1,061,183
As provided in Section 40-25-27, <u>Code of Alabama 1975</u> .	
(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections	275,023
(5) Transfer from the proceeds of the Forest Severance Tax Collections ...	101,293
(6) Transfer from the gross proceeds of Gasoline Tax Collections	4,815,399
(7) Transfer from the Income Tax Collections	16,342,505
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections	1,003,607
(9) Transfer from the gross proceeds of Motor Vehicle License Collections	2,176,085
(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	665,864
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,640,516
(12) Transfer from the gross proceeds of Sales Tax Collections	14,417,291
(13) Transfer from the gross proceeds of the Tobacco Tax Collections	43,431
(14) Transfer from the gross proceeds of Use Tax Collections	1,577,798
(15) Transfer from the gross proceeds of the Utility Tax Collections	3,503,004
(16) Local Funds	6,000,440
(17) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,365,083
(18) Inspection fees for restored vehicles	750,000
As provided in Section 32-8-87, <u>Code of Alabama 1975</u> .	
(19) Revenue Administration Fund-Transfer from Abandoned Property Trust Fund as provided in Section 35-12-39, <u>Code of Alabama 1975</u>	100,000

The amounts hereinabove appropriated for the cost of maintenance and

operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue	374,442	56,838,522	57,212,964
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111. SEAFOOD ADVISORY COMMISSION:			
(a) Marine Resources Program			41,000
SOURCE OF FUNDS:			
(1) Department of Conservation and Natural Resources Grant		41,000	
Total Seafood Advisory Commission ..		41,000	41,000
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112. SECRETARY OF STATE:			
(a) Administrative Support Services Program			2,058,764
SOURCE OF FUNDS:			
(1) State General Fund	928,764		
(2) UCC and Farm Indexing Fund		351,000	
(3) Corporations Fund		779,000	
Total Secretary of State	928,764	1,130,000	2,058,764
<hr/>			
113. SECURITIES COMMISSION:			
(a) Regulatory Services Program			845,941
SOURCE OF FUNDS:			
(1) State General Fund	572,440		
(2) Industrial Revenue Bond Notification Fund		135,674	
(3) Sale of Checks License Fund		3,307	
(4) Exemption Fund		134,520	
Total Securities Commission	572,440	273,501	845,941

In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$168,921 to the Securities Commission, to be conditioned upon the availability of funds in the State General Fund, the determination of

a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

114. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program	22,681
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To be expended in accordance with Section 41-9-740 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	22,681	
Total Alabama Senior Citizens Hall of Fame	22,681	22,681

115. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	68,083
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund	68,083
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As provided in Section 34-30-6, Code of Alabama 1975.

Total Alabama State Board of Social Work Examiners	68,083	68,083
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116. SOIL AND WATER CONSERVATION COMMITTEE, STATE:

(a) Water Resource Development Program	1,325,706
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(b) Professional and Occupational Licensing and Regulation Program	4,000
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SOURCE OF FUNDS:

(1) State General Fund	1,285,706	
(2) Soil Classifiers Fund		4,000

As provided in Section 34-32-19, Code of Alabama 1975.

(3) Transfer from Agricultural and Conservation Development Commission	40,000
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Total State Soil and Water Conservation Committee	1,285,706	44,000	1,329,706
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In addition to the above appropriation, there is also hereby conditionally appropriated to the Soil and Water Conservation Committee the sum of

\$50,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

117. SOUTHERN GROWTH POLICIES BOARD:

(a) Special Services Program 28,943

SOURCE OF FUNDS:

(1) State General Fund 28,943

Total Southern Growth Policies

Board 28,943 28,943

118. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:

(a) Tourism and Travel Promotion Program 200,000

SOURCE OF FUNDS:

(1) State General Fund 200,000

Total Space Science Exhibit

Commission 200,000 200,000

119. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program 39,686

SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund 39,686

As provided in Section 34-28A-44, Code of Alabama 1975.

Total Alabama Board of Examiners for Speech Pathology and Audiology ...

39,686 39,686

120. SPORTS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program 145,000

SOURCE OF FUNDS:

(1) State General Fund 145,000

Total Alabama Sports Hall of Fame ...

145,000 145,000

121. SURFACE MINING COMMISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program 4,054,239

SOURCE OF FUNDS:

(1) State General Fund-Transfer 375,000

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(2) Surface Mining Commission- Fees	611,779		
(3) Federal and Local Funds	1,067,460		
(4) Bond Forfeiture/Reclamation Projects, Estimated	2,000,000		
As provided by Section 9-16-103, <u>Code</u> of Alabama 1975.			
Total Alabama Surface Mining Commission	375,000	3,679,239	4,054,239
122. TANNEHILL FURNACE AND FOUNDRY COMMISSION:			
(a) Historical Resources Management Program			300,392
SOURCE OF FUNDS:			
(1) State General Fund	300,392		
Total Tannehill Furnace and Foundry Commission	300,392		300,392
123. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			101,000
SOURCE OF FUNDS:			
(1) State General Fund	101,000		
Total Tennessee-Tombigbee Water- way Development Authority	101,000		101,000
124. TENNESSEE VALLEY EX- HIBIT COMMISSION OF ALA- BAMA:			
(a) Promotional Development Program			476,241
To be expended in accordance with Sections 41-9-780 et seq., <u>Code of</u> <u>Alabama 1975.</u>			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	70,766		
(2) Admissions and Concessions		95,875	
(3) Interest on Investment Account ...		190,000	
(4) Federal and Local Funds		119,600	
Total Tennessee Valley Exhibit Com- mission of Alabama	70,766	405,475	476,241
125. TOURISM AND TRAVEL, BU- REAU OF:			
(a) Tourism and Travel Promotion Program			5,132,772
The above appropriation shall include \$100,000 for the Overlook Tourist			

Center, \$50,000 for the Cahaba Trace Commission and \$25,000 for Constitutional Hall Tourist Center.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,542,411	
(2) Lodgings Tax (\$0.01)		3,590,361

Receipts collected under the provisions of Section 40-26-1 et seq., Code of Alabama 1975.

Total Bureau of Tourism and Travel ..	1,542,411	3,590,361	5,132,772
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126. TREASURER, STATE:

(a) Fiscal Management Program		1,789,448
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SOURCE OF FUNDS:

(1) State General Fund	1,789,448
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Total State Treasurer	1,789,448	1,789,448
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127. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated		6,500
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SOURCE OF FUNDS:

(1) State General Fund	6,500
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As provided in Section 41-9-374, Code of Alabama 1975.

Total Alabama Commission on Uniform State Laws	6,500	6,500
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128. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program		3,065,947
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SOURCE OF FUNDS:

(1) State General Fund	3,065,947
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Total Department of Veterans' Affairs	3,065,947	3,065,947
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129. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		145,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund	145,000
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As provided in Section 34-29-23 and Section 34-29-41, Code of Alabama 1975.

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Total Alabama State Board of Veterinary Medical Examiners	145,000	145,000
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130. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Opportunities Program		9,980
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SOURCE OF FUNDS:

(1) State General Fund	9,980	
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Total Alabama Women's Commission	9,980	9,980
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131. WOMEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program		5,444
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SOURCE OF FUNDS:

(1) State General Fund	5,444	
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Total Alabama Women's Hall of Fame	5,444	5,444
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132. YOUTH SERVICES, DEPARTMENT OF:

(a) Youth Services Program		617,977
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The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975.

(b) Juvenile Probation Officers Subsidy		2,586,000
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SOURCE OF FUNDS:

(1) State General Fund-Youth Services Program	617,977	
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(2) State General Fund-Juvenile Probation Officers Subsidy	2,586,000	
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Total Department of Youth Services ..	3,203,977	3,203,977
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In addition to the above appropriation to the Department of Youth Services, there is hereby appropriated \$3,000,000 to the Department of Youth Services for statewide Juvenile Detention Centers to be conditioned on the availability of funds in the State General Fund and the approval of the Governor.

2D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED
FROM THE STATE GENERAL
FUND:1. ADVERTISING LANDS FOR
TAX SALE:

(a) State Revenue Administration Program, Estimated	90,000
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SOURCE OF FUNDS:

(1) State General Fund	90,000
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As provided in Section 40-10-22, Code
of Alabama 1975.

Total Advertising Lands for Tax Sale	90,000	90,000
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2. ARREST OF ABSCONDING
FELONS:

(a) Criminal Investigation Program, Estimated	65,000
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SOURCE OF FUNDS:

(1) State General Fund	65,000
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As provided in Section 15-9-3, Code of
Alabama 1975.

Total Arrest of Absconding Felons	65,000	65,000
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3. ATTORNEYS' FEES FOR RE-
APPORTIONMENT CASES:

(a) Legal Advice and Legal Services Program, Estimated	150,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000
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Total Attorneys' Fees for Reapportion- ment Cases	150,000	150,000
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4. AUTOMATIC APPEAL EX-
PENSE:

(a) Legal Advice and Legal Services Program, Estimated	100
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SOURCE OF FUNDS:

(1) State General Fund	100
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As provided in Section 12-22-150 and
Section 12-22-241, Code of Alabama
1975.

Total Automatic Appeal Expense	100	100
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5. CIVIL COURT COSTS IN CON-
NECTION WITH AD VALOREM
TAX ASSESSMENTS APPEALS:

(a) State Revenue Administration Program, Estimated	200
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SOURCE OF FUNDS:

(1) State General Fund	200
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As provided in Section 40-7-45, Code of Alabama 1975.

Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
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6. CONSUMER UTILITY RATE HEARING:

(a) Executive Direction Program		250,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000	
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As provided in Section 37-1-18 Code of Alabama 1975.

Total Consumer Utility Rate Hearing	250,000	250,000
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7. COURT RELATED COSTS NOT OTHERWISE PROVIDED FOR:

(a) Court-Assessed Cost Provided in <u>Code of Alabama 1975, Sections 22-52-14, 30-4-95, 26-17-17 and Acts 87-574 and 88-538, Estimated</u>		500,000
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(b) Legal Advice and Legal Services Program		500,000
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It is the intent of the Legislature that the appropriation in this subsection be expended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements, and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.

Of the above appropriation, at least \$50,000 shall be used solely to pay for the cost of depositions, transcripts, expert witnesses, travel, docketing and filing fees and costs incurred by attorneys representing the State in the post-conviction capital punishment cases in state and federal court. Of the above appropriation, \$20,000 shall be allocated to the Bibb County Commission.

SOURCE OF FUNDS:

(1) State General Fund, Estimated	500,000	
(2) State General Fund	500,000	

Total Court Cost Not Otherwise Provided For	1,000,000	1,000,000
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8. COURT COSTS-ACT NO. 558, 1957:

(a) Court Operations Program, Estimated		500
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SOURCE OF FUNDS:

(1) State General Fund	500	
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Pursuant to Act No. 558, 1957, page 777.

Total Court Costs-Act No. 558, 1957	500	500
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9. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Services Program, Estimated		80,000
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SOURCE OF FUNDS:

(1) State General Fund	80,000	
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As provided in Sections 41-21-8, 36-14-1, and 36-14-11, Code of Alabama 1975.

Total Distribution of Public Documents	80,000	80,000
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10. STATE DOCKS TRANSFER 3,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	3,500,000	
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The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.

Total State Docks Transfer	3,500,000	3,500,000
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11. ELECTION EXPENSES:

(a) Special Services Program, Estimated		1,245,630
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(b) Training of Election Officials, Estimated		80,000
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For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund	1,325,630	
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As provided in Section 17-4-153, Code of Alabama 1975.

Total Election Expenses	1,325,630	1,325,630
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In addition to the above appropriation, there is hereby conditionally appropriated from the State General Fund \$515,000 to Election Expenses, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

12. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program		1,500,000
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SOURCE OF FUNDS:

(1) State General Fund	1,500,000	
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This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office, or agency. None of the above appropriation shall be transferred to the Governor's contingency fund.

Total Departmental Emergency Fund	1,500,000	1,500,000
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13. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	200,000	
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Total Fair Trial Tax	200,000	200,000
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14. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated		3,000,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000,000	
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For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners	3,000,000	3,000,000
15. DEPARTMENT OF FINANCE- CAPITOL RENOVATION:		
(a) Special Services Program, Estimated		2,000,000
SOURCE OF FUNDS:		
(1) State General Fund-Capital Out- lay, Estimated	2,000,000	
Total Department of Finance-Capitol Renovation	2,000,000	2,000,000
16. DEPARTMENT OF FINANCE- EMPLOYEES' SUGGESTION AWARDS PROGRAM:		
(a) Fiscal Management Program		10,000
SOURCE OF FUNDS:		
(1) State General Fund	10,000	
In accordance with Section 36-1-7, <u>Code of Alabama 1975.</u>		
Total Department of Finance-Employ- ees' Suggestion Awards Program	10,000	10,000
17. FOREST FIRE FUND, EMER- GENCY:		
(a) Forest Resources Protection and Development Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	180,000	
As provided by Section 9-3-10.1, <u>Code</u> <u>of Alabama 1975.</u>		
Total Emergency Forest Fire Fund	180,000	180,000
18. GOVERNOR'S CONFERENCE, NATIONAL:		
(a) Executive Direction Program, Estimated		135,760
SOURCE OF FUNDS:		
(1) State General Fund	135,760	
Total National Governor's Conference	135,760	135,760
19. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program, Estimated		26,000
SOURCE OF FUNDS:		
(1) State General Fund	26,000	

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As provided in Section 36-13-13, Code of Alabama 1975.

Total Governor's Councillor	26,000	26,000
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20. GOVERNOR'S PROCLAMATION EXPENSES:

(a) Executive Direction Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 17-14-21, Code of Alabama 1975.

Total Governor's Proclamation Expenses	200,000	200,000
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21. GOVERNORS' WIDOWS RETIREMENT:

(a) Executive Direction Program, Est.		28,800
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SOURCE OF FUNDS:

(1) State General Fund	28,800	
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As provided in Section 36-13-12, Code of Alabama 1975.

Total Governors' Widows Retirement	28,800	28,800
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22. INTERPRETER'S ACCOUNT:

(a) Court Operations Program, Estimated		2,500
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SOURCE OF FUNDS:

(1) State General Fund	2,500	
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As provided in Sections 12-21-131 et seq., Code of Alabama 1975.

Total Interpreter's Account	2,500	2,500
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23. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program, Estimated		18,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	18,000	
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As provided in Section 28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund	18,000	18,000
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24. LAW ENFORCEMENT LEGAL DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated		3,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000	
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To carry out provisions of Section 36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense	3,000	3,000
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25. LIABILITY INSURANCE FUND, STATE		1,000,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,000,000	
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As provided in Section 36-1-6.1, Code of Alabama 1975.

Total State Liability Insurance Fund	1,000,000	1,000,000
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Of the above appropriation \$40,000 is hereby appropriated to the Liability Insurance Board for administrative expenses.

26. MAILING TAX NOTICES:

(a) State Revenue Administration Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 40-7-25, Code of Alabama 1975.

Total Mailing Tax Notices	100	100
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27. MILITARY-EMERGENCY ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 31-2-85, Code of Alabama 1975.

Total Military-Emergency Active Duty Pay	200,000	200,000
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28. POLICEMAN'S SURVIVOR TUITION ACT:

(a) Support of Other Educational Activities Program, Estimated		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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As provided in Sections 36-21-95 through 36-21-99, Code of Alabama 1975.

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Total Policeman's Survivor Tuition Act	15,000	15,000
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29. PRESIDENTIAL ELECTORAL EXPENSE:		
(a) Administrative Support Services Program, Estimated		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
As provided in Section 17-19-8, <u>Code of Alabama 1975</u> .		
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Total Presidential Electoral Expense ..	2,000	2,000
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30. PRINTING OF CODE SUPPLEMENTS-LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Section 29-7-6, <u>Code of Alabama 1975</u> .		
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Total Printing of Code Supplements-Legislative Reference Service	500,000	500,000
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31. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:		
(a) Administrative Support Services Program, Estimated		165,000
SOURCE OF FUNDS:		
(1) State General Fund	165,000	
As provided in Sections 41-21-1 and 41-21-154, <u>Code of Alabama 1975</u> .		
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Total Printing Codes and Supplements-Secretary of State	165,000	165,000
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32. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Sections 41-4-130 through 41-4-161, <u>Code of Alabama 1975</u> .		
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Total Printing of Legislative Acts and Journals	500,000	500,000
33. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSSES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Printing of State and County Privilege Licenses	25,000	25,000
34. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,150,000
(b) Voter Identification Assistance Program		65,000
SOURCE OF FUNDS:		
(1) State General Fund	65,000	
(2) State General Fund, Estimated	1,150,000	
In accordance with Sections 17-4-126 and 17-4-153, <u>Code of Alabama 1975</u> .		
Total Registration of Voters	1,215,000	1,215,000
35. REMOVAL OF PRISONERS:		
(a) Administrative Services and Logistical Support Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	300,000	
As provided in Sections 15-10-70 through 15-10-73 and 15-9-62, 15-9-65, and 15-9-81, <u>Code of Alabama 1975</u> .		
Total Removal of Prisoners	300,000	300,000
36. STATE GENERAL FUND, ESTIMATED		59,000,000
SOURCE OF FUNDS:		
(1) Heritage Trust Income Fund Transfer, Estimated	59,000,000	
All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.		

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Total State General Fund, Estimated	59,000,000	59,000,000
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37. STATE TREASURER-PREVIOUS YEAR'S UNPAID WARRANTS:		
(a) Special Services Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund	200,000	
As provided in Section 41-4-60, <u>Code of Alabama 1975.</u>		
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Total State Treasurer-Previous Year's Unpaid Warrants	200,000	200,000
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2E. DEBT SERVICE FUNDED FROM THE STATE GENERAL FUND:		
1. General Obligation Capital Improvement Bonds, Series B, Estimated		1,149,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,149,500	
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Total General Obligation Capital Improvement Bonds, Series B, Estimated	1,149,500	1,149,500
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2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated		1,012,565
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,012,565	
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Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated	1,012,565	1,012,565
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3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		5,117,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	5,117,500	
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Total General Obligation Docks Facilities Bonds, Series A-C, Estimated	5,117,500	5,117,500
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4. Music Hall of Fame Bonds, Estimated		150,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	150,000	
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Pursuant to Constitutional Amendment No. 489 as provided in Act No. 88-549, 1988 Regular Session.		
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Total Music Hall of Fame Bonds, Estimated	150,000	150,000
5. Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated		2,789,085
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	2,789,085	
Pursuant to Constitutional Amend- ment No. 270 as provided in Act No. 248, 1967 Regular Session.		
Total Tennessee-Tombigbee Water- way Bonds, Series A and C-D, Estimated	2,789,085	2,789,085
6. Corrections Institution Bonds, Estimated		1,744,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	1,744,500	
Pursuant to Constitutional Amend- ment No. 374 as provided for in Act No. 134, 1978 Second Special Ses- sion.		
Total Corrections Institution Bonds, Estimated	1,744,500	1,744,500
7. General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		66,661,207
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	66,661,207	
Total General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		
	66,661,207	66,661,207

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 305735 by Act 87-761, Act 88-947 and Act 88-953 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or the trust fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amounts necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in Section 2C, subsection 101.

SECTION 9. That, if any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 10. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 11. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment

and business opportunities for all citizens of this state without regard to sex or race.

SECTION 12. That this Act shall become effective October 1, 1989.

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 246, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 100; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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MOTION TO ADJOURN LOST

The motion offered by Rep. Gray that the House adjourn until 10:00 o'clock a.m., Thursday, April 13, 1989, was lost.

H. 246 RESUMED

And the bill:

H. 246. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

As amended by the Report of the Committee on Conference was again read at length and passed, and was ordered sent to the Senate.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan,

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Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 360. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of business for the 18th legislative day, Tuesday, April 11, 1989, taking precedence over the regular order of business or any pending or unfinished business:

Inst Id	Page
<u>S. 453</u> —By Horn	206
Public Library Service, approp. reduced	
<u>S. 454</u> —By Horn	206
Economic and Community Affairs Dept., approp. reduced	
<u>S. 455</u> —By Horn	205
Environmental Management Dept., approp reduced	
<u>S. 456</u> —By Horn	204
Highway Dept., approp. reduced	
<u>S. 457</u> —By Horn	204
Bureau of Tourism and Travel, approp. reduced	
<u>S. 458</u> —By Horn	204
Arts and Humanities Council, approp. reduced	
<u>S. 459</u> —By Horn	203
State Board of Education, Junior College System, approp. reduced	
<u>S. 460</u> —By Horn	203
State Board of Education, Technical College System, Approp. reduced	
<u>S. 461</u> —By Horn	202
Mental Health and Mental Retardation Dept., approp. reduced	
<u>S. 462</u> —By Horn	202
State Board of Education, local boards financial assistance program, approp. reduced	

<u>S. 463</u> —By Horn	201
Conservation and Natural Resources Dept., approp. reduced	
<u>S. 464</u> —By Horn	201
Alabama Development Office, approp. for, reduced	
<u>S. 522</u> —By Horn (As Substituted)	200
Education, various city and county boards of, approp.	
<u>S. 523</u> —By Horn	200
Municipalities, approp.	
<u>S. 524</u> —By Horn	199
Economic and community affairs dept., approp.	
<u>S. 525</u> —By Horn	199
Environmental management dept., approp.	
<u>S. 526</u> —By Horn	198
Counties, approp.	
<u>S. 336</u> —By Horn	99
Community Service Grant Program, estab. for state agencies to make grants; leg. req. to appropriate state funds	
On motion of Rep. Carter, the resolution, H. R. 360, was adopted.	

SPECIAL ORDER

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 453, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

And the bill:

S. 453. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

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Was read a third time at length and passed.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Walker, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—91

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 454, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—87

And the bill:

S. 454. To reduce the appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs by \$400,000 for the fiscal year ending September 30, 1989

Was read a third time at length and passed.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG),

Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—97

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 455, was adopted.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—97

And the bill:

S. 455. To reduce the appropriation from the State General Fund to the Department of Environmental Management by \$150,000 for the fiscal year ending September 30, 1989

Was read a third time at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Curry, Flowers, Ford, Frazier, Freeman, Fuller, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—76

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 456, was adopted.

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Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—89

And the bill:

S. 456. To reduce the appropriation from the State General Fund to the Highway Department by \$140,000 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Willis, Wright, and Zoghby.

—89

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 457, was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry,

Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Willis, Wright, and Zoghby.

—89

And the bill:

S. 457. To reduce the appropriation from the State General Fund to the Bureau of Tourism and Travel by \$126,000 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—89

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 458, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—93

And the bill:

S. 458. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama State Council on the Arts and Humanities by \$500,000 for the fiscal year ending September 30, 1989.

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Was read a third time at length and passed.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), Willis and Wright.

—88

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 459, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Fuller, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

And the bill:

S. 459. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College system by \$635,881 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim,

Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 460, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

And the bill:

S. 460. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$635,880 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Frazier, Fuller, Gaston, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 461, was adopted.

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Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—97

And the bill:

S. 461. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Curry, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 462, was adopted.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan,

Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—97

And the bill:

S. 462. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Local Boards—Financial Assistance Program by \$2,156,937 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 463, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Flowers, Ford, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

And the bill:

S. 463. To reduce the appropriation from the State General Fund to the Department of Conservation and Natural Resources by \$500,000 for the fiscal year ending September 30, 1989.

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Was read a third time at length and passed.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillian, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 464, was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—88

And the bill:

S. 464. To reduce the appropriation from the State General Fund to the Alabama Development Office by \$300,000 for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley,

Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Walker, White (F), White (L), Williams, Willis, Wright and Zoghby.

—83

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 522, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

And the bill:

S. 522. (With Substitute): To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, S. 522, and the pending substitute:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated the sum of three million four hundred sixty-six thousand fifty-nine dollars (\$3,466,059) from the Alabama

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Special Educational Trust Fund to the State Board of Education to be distributed to the following public educational entities for the fiscal year ending September 30, 1989:

Birmingham City Board of Education	\$331,195.00
Decatur City Board of Education	\$27,000.00
Tarrant City Board of Education	\$5,000.00
Hartselle City Board of Education	\$16,000.00
Geneva City Board of Education	\$10,000.00
Dothan City Board of Education	\$55,000.00
Homewood City Board of Education	\$25,000.00
Bessemer City Board of Education	\$30,500.00
Cullman City Board of Education	\$115,000.00
Albertville City Board of Education	\$50,000.00
Guntersville City Board of Education	\$25,000.00
Midfield City Board of Education	\$7,500.00
Selma City Board of Education	\$10,000.00
Fairfield City Board of Education	\$17,500.00
Midfield City Board of Education	\$10,000.00
Ozark City Board of Education	\$30,000.00
Troy City Board of Education	\$15,000.00
Huntsville City Board of Education	\$29,063.80
Athens City Board of Education	\$16,340.40
Phenix City Board of Education	\$32,500.00
Opelika City Board of Education	\$11,250.00
Auburn City Board of Education	\$11,250.00
Jefferson County Board of Education	\$98,813.00
Fayette County Board of Education	\$26,500.00
Geneva County Board of Education	\$22,500.00
Franklin County Board of Education— Drug Education Program	\$28,527.00
Franklin County Board of Education— Addison High School	\$3,000.00
Mt. Brook Jr. High School	\$2,500.00
Brookwood Forest Elementary School	\$2,500.00
Henry County Board of Education	\$40,000.00

Houston County Board of Education	\$18,127.00
Dale County Board of Education	\$60,627.00
Pike County Board of Education	\$20,000.00
Crenshaw County Board of Education	\$15,000.00
Butler County Board of Education	\$15,000.00
Colbert County Board of Education	\$60,000.00
Lauderdale County Board of Education	\$20,000.00
Autauga County Board of Education	\$20,159.00
Chilton County Board of Education	\$95,150.00
Bibb County Board of Education— Centreville Schools	\$16,127.00
Convington County Board of Education	\$25,000.00
Escambia County Board of Education	\$20,000.00
Coffee County Board of Education	\$15,627.00
Montgomery County Board of Education	\$181,000.00
Mobile County Board of Education	\$350,627.00
Montgomery County Board of Education— CCPAC	\$11,000.00
Montgomery County Board of Education— School Libraries	\$8,000.00
Elmore County Board of Education	\$20,000.00
Madison County Board of Education	\$48,710.60
Limestone County Board of Education	\$35,604.20
Lauderdale County Board of Education	\$32,681.00
Lawrence County Board of Education	\$40,027.00
Morgan County Board of Education	\$18,000.00
Cullman County Board of Education	\$20,000.00
DeKalb County Board of Education— Crossville High School	\$5,000.00
Geraldine High School	\$5,000.00
Lowndes County Board of Education	\$21,500.00
Wilcox County Board of Education	\$20,000.00
Dallas County Board of Education	\$10,000.00
Perry County Board of Education	\$20,000.00

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Hale County Board of Education	\$10,000.00
Greene County Board of Education	\$21,127.00
Sumter County Board of Education	\$21,500.00
Choctaw County Board of Education	\$21,500.00
Russell County Board of Education	\$22,500.00
Macon County Board of Education	\$20,000.00
Bullock County Board of Education	\$20,000.00
Pickens County Board of Education—	
Carrollton High School	\$25,000.00
Aliceville High School	\$25,000.00
Walker County Board of Education	\$65,627.00
DeKalb County Board of Education	\$41,000.00
Jackson County Board of Education	\$61,000.00
Lee County Board of Education—	\$51,250.00
The above appropriation shall include the following allocations:	
Beulah High School	\$10,000
Smith Station High School	\$10,000
Lochapoka High School	\$10,000
Beauregard High School	\$10,000
Tallapoosa County Board of Education	\$21,250.00
The above appropriation shall include:	
Reeltown High School	\$10,000
Tannehill Learning Center	\$57,627.00
Jefferson State Community College	\$105,000.00
Brewer State Junior College	\$16,300.00
Southwest Technical College	\$10,000.00
Northwest State Community College	\$16,300.00
John Patterson Technical College	\$10,000.00
John C. Calhoun Community College	\$30,600.00
Bessemer State Technical College	\$20,000.00
Lawson State Community College	\$100,000.00
Shoals Community College	\$75,627.00
Chauncey Sparks State Technical College	\$30,627.00
Walker State Technical College	\$40,000.00

George C. Wallace Junior College—Selma	\$24,191.00
Douglas McArthur Technical College	\$30,000.00
Enterprise State Junior College	\$25,000.00
Lurleen B. Wallace Junior College	\$25,000.00
Trenholm State Technical College	\$70,627.00

Section 2. There is also hereby appropriated the sum of two hundred eighty-six thousand dollars (\$286,000) from the Alabama Special Educational Trust Fund to the Alabama Public Library Service to be distributed to the following public libraries for the fiscal year ending September 30, 1989.

City of Birmingham—Springville Road Branch Library	\$2,500.00
City of Fultondale—Library Operations	\$2,500.00
City of Gardendale—Library Operations	\$2,500.00
City of Trussville—Library Operations	\$2,500.00
City of Slocomb—Library Operations	\$10,000.00
City of Mobile—Library Operations	\$20,000.00
City of Opp—Library Operations and Cross Trail Library	\$3,000.00
City of Andalusia—Library Operations	\$3,000.00
City of Elba—Library Operations	\$3,000.00
City of Atmore—Library Operations	\$3,000.00
City of Brewton—Library Operations	\$3,000.00
City of Montgomery—Lawrence Street Library	\$10,000.00
City of Montgomery—Cleveland Avenue Library	\$10,000.00
City of Killen—Library Operations	\$1,500.00
City of Madison—Library Operations	\$1,500.00
City of Florence—Library Operations	\$1,500.00
City of Lexington—Library Operations	\$1,500.00
City of Rogersville—Library Operations	\$1,500.00
City of Huntsville—Library Operations	\$1,500.00
City of Athens—Library Operations	\$3,000.00
City of Double Springs—Library Operations	\$5,000.00
City of Guin—Library Operations	\$5,000.00
City of Hackleburg—Library Operations	\$5,000.00
City of Russellville—Library Operations	\$5,000.00
City of Winfield—Library Operations	\$5,000.00
City of Red Bay—Library Operations	\$5,000.00

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City of Sulligent—Library Operations	\$5,000.00
City of Haleyville—Library Operations	\$5,000.00
City of Millport—Library Operations	\$5,000.00
City of Berry—Library Operations	\$5,000.00
City of Hamilton—Library Operations	\$5,000.00
City of Vernon—Library Operations	\$5,000.00
City of Moulton—Library Operations	\$3,000.00
City of Hillsboro—Library Operations	\$2,000.00
City of Decatur—Library Operations	\$9,000.00
City of Somerville—Library Operations	\$10,000.00
City of Montgomery—Library Operation	\$10,000.00
City of Prichard—Library Operations	\$10,000.00
City of Birmingham—Library Operations	\$15,000.00
Phenix City—Library Operations	\$10,000.00
Tuskegee/Macon County Library—Library Operations	\$10,000.00
Union Springs—Library Operations	\$10,000.00
Clayton—Town and Country Library—Library Operations	\$10,000.00
City of Dadeville—Library Operations	\$10,000.00
Alex City—Library Operations	\$10,000.00
City of Auburn—Library Operations	\$10,000.00
City of Opelika—Library Operations	\$10,000.00

Section 3. There is also hereby appropriated the sum of three million one hundred twenty-nine thousand eight hundred fifty-four dollars (\$3,129,854) from the Alabama Special Educational Trust Fund to the following public educational entities for the fiscal year ending September 30, 1989:

Alabama Public School and College Authority	\$3,075,254.00
Jacksonville State University	\$5,000.00
Alabama State University—School of Music	\$10,000.00
University of Alabama at Huntsville	\$1,150.00
Athens State College	\$1,150.00
Alabama A&M University	\$1,150.00
University of North Alabama	\$1,150.00
University of Alabama in Birmingham	\$35,000.00

Section 4. There is also hereby appropriated the sum of forty-two thousand three hundred seventy-three dollars and forty-three cents (\$42,373.43) from the State General Fund to the Tannehill Learning Center for the fiscal year ending September 30, 1989.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 94; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

Nay: Rep. Holmes.

—1

And the bill, S. 522 as thus amended, was read a third time at length and passed.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—97

BUDGET ISOLTION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 523, was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

And the bill:

S. 523. To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Blake, Bowling, Box, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Gaston, Grayson, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—77

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 524, was adopted

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford,

Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—89

And the bill:

S. 524. To make a supplemental appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Flowers, Ford, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—78

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 525, was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Crow, Curry, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

And the bill:

S. 525. To make a supplemental appropriation from the State General Fund to the Alabama Department of Environmental Management for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Flowers, Frazier, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—78

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating S. B. 526, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Curry, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—86

And the bill:

S. 526. To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt,

Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), Williams, Willis, Wright and Zoghby.

—87

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to S. B. 336, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C) Newton (D), Parker, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

And the bill:

S. 336. To create the Alabama Community Service Grant Program, from which the program objectives of state agencies shall be advanced by the awarding of grant funds by designated state agencies to qualifying community agencies, organizations, institutions and projects within the State of Alabama; to provide that such grant funds shall be appropriated by the Legislature to state departments and agencies; to establish criteria by which such grants shall be awarded; to establish the authority and responsibilities of the heads of grant-making agencies; to provide for an effective date; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford,

Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—92

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE BILL 281

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning House Bill 281, have met in conference and agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TAYLOR HARPER,
JAMES M. CAMPBELL,
GARY WHITE,

Conferees on the Part of the House.

LOWELL BARRON,
FRED HORN,

Conferees on the Part of the Senate.

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1990, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1990, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, as amended, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, as amended, Sections 41-19-1 through 41-19-12), and shall be in the amounts herein-after specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be

available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included In Appropriation Total			
	ASETF	Trust Funds	Appropriation Total
SECTION 3.			
A. STATE AGENCIES:			
1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:			
(a) Support of Other Educational Activities Program			112,500
SOURCE OF FUNDS:			
(1) ASETF	112,500		
Total American Legion and Auxiliary Scholarships	112,500		112,500
To be expended under the provisions of Code of Alabama 1975, as amended, Sections 16-31-1 through 16-31-4.			
2. ARTS, STATE COUNCIL ON THE:			
(a) Fine Arts Program			2,146,033
SOURCE OF FUNDS:			
(1) ASETF	1,499,133		
(2) Federal and Local Funds		646,900	
Total State Council on the Arts	1,499,133	646,900	2,146,033

In addition to the above appropriation to the State Council on the Arts, there is hereby conditionally appropriated from the Alabama Special Educational Trust Fund the sum of \$100,000 to be used to fund local arts councils. There is also hereby conditionally appropriated the sum of \$250,000 to the State Council on the Arts to be used to fund the Alabama Symphony to be conditioned upon the availability of funds in the ASETF and the approval of the Governor. It is the intent of the Leg-

islature that these conditionally appropriated funds be in addition to the regular appropriations to the various local arts councils. Said appropriations are conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.

In addition to the above appropriations, there is hereby conditionally appropriated the sum of \$100,000 to be used for repairs and renovations of the proposed Alabama Center for Traditional Culture to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.

3. DEBT SERVICE:

(a) Debt Service Program

649,708

For interest on endowments as follows:

For interest on University of Montevallo (Alabama College) Endowment, Estimated 34,964

For interest on Auburn University Endowment 20,280

For interest on University of Alabama Endowment 61,000

For interest on Grove Hill Endowment 600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated 410,000

Interest on School Indemnity Lands, Estimated 90,000

Interest on Valueless 16th Section Lands 5,825

Interest on Surplus Revenue 26,764

Interest on James Wallace Fund 275

Total Interest on Public School Fund Endowment 532,864

SOURCE OF FUNDS:

(1) ASETF 649,708

Total Debt Service	649,708	649,708
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4. DENTAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program

176,000

SOURCE OF FUNDS:

(1) ASETF	176,000		
Total Board of Dental Scholarship Awards	176,000		176,000

To be expended under the provisions of Code of Alabama 1975, as amended, Sections 16-47-76 through 16-47-81.

5. EDUCATION, DEPARTMENT OF:

(a) Administrative Services Program 15,681,323

The proposed spending plan for the ASETF monies included in the above program is as follows:

Compact for Education	44,000
Operations and Maintenance of Department	5,247,615
Leadership and Management	300,000
Electronic Network	300,000

SOURCE OF FUNDS:

(1) ASETF	5,891,615		
(2) Federal and Local Funds		9,789,708	
Total Administrative Services Program	5,891,615	9,789,708	15,681,323

(b) Adult Basic Education/Community Education Program 6,516,910

The ASETF monies included in the above program are to be distributed by the Department of Education as follows:

Adult Basic Education 2,806,209

Of the above appropriation of \$2,806,209, the sum of \$206,411 shall be used to fund FICA for ABE programs.

Community Education 765,544

Of the above appropriation to the Department of Education for Community Education, \$85,000 shall be allocated to the Birmingham Board of Education Department of Community Education.

SOURCE OF FUNDS:

(1) ASETF	3,571,753		
(2) Federal and Local Funds		2,945,157	

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Total Adult Basic Education/Community Education Program	3,571,753	2,945,157	6,516,910
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(c) Alabama Young Farmers Education Program			50,000
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SOURCE OF FUNDS:

(1) ASETF	50,000		
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Total Alabama Young Farmers Education Program	50,000		50,000
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(d) Financial Assistance Program			269,336,046
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Elementary Teachers

Scholarships 23,760

To be paid in accordance with Code of Alabama 1975, as amended, Section 16-23-17.

Teacher In-Service

Centers 2,034,009

The State Board of Education shall administer the In-Service Educational Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$171,009 may be used by the State Board of Education for the administration and monitoring of said centers. The above appropriation shall be distributed in the following manner:

(aa) The sum of \$85,000 shall be distributed to each of the following in-service centers:

- (1) Alabama A&M University
 - (2) Alabama State University
 - (3) Athens State College
 - (4) Auburn University
 - (5) Jacksonville State University
 - (6) Troy State University
 - (7) University of Alabama
 - (8) University of Alabama at Birmingham
 - (9) University of Montevallo
 - (10) University of North Alabama
 - (11) University of South Alabama
- (bb) The remainder of the above appropriation shall be allotted to each

in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1988-89, and the number of teachers employed as reported on the 1988-89 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.

In addition to the above appropriation of \$2,034,009 to the In-Service Centers, there is hereby appropriated \$700,000 to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

SOURCE OF FUNDS:

(1) ASETF	2,057,769		
(2) Federal and Local Funds		267,278,277	
Total Financial Assistance Program ...	2,057,769	267,278,277	269,336,046

(e) Instructional Technical Assistance Program			12,276,494
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Basic Skills Program	949,215
Early Childhood Education Administration	97,998
Instructional Technical Assistance	1,283,181
Special Education Administration	400,902
Vocational Education Administration	920,180
National Geographic Grant-Matching Funds	50,000

SOURCE OF FUNDS:

(1) ASETF	3,701,476		
(2) Federal and Local Funds		8,575,018	

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Total Instructional Technical Assistance Program	3,701,476	8,575,018	12,276,494
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(f) Local Agency Support Program			18,321,140
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Advanced Placement	468,891		
Driver Education, School Bus Driver Training and Vehicle Safety Inspection	249,450		
Free Textbooks	13,065,118		
Guidance and Counseling	150,000		
Operations and Maintenance	177,944		
School Attendance	76,204		
School Facilities and Architectural Services	196,934		
Testing	1,409,464		
Emergency Food Assistance Program	65,337		

SOURCE OF FUNDS:

(1) ASETF	15,859,342		
(2) Federal and Local Funds		2,461,798	
Total Local Agency Support Program	15,859,342	2,461,798	18,321,140
(g) Regulation Program			1,654,022

The proposed spending plan for the ASETF monies included in the above program is as follows:

Teacher Certification and Accreditation	385,851		
Undergraduate/Graduate Program Approval	251,232		

SOURCE OF FUNDS:

(1) ASETF	637,083		
(2) Federal and Local Funds		1,016,939	
Total Regulation Program	637,083	1,016,939	1,654,022

(h) Support of Other Educational Activities Program			8,839
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Education of Dependents of Blind Parents	8,839		
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SOURCE OF FUNDS:

(1) ASETF 8,839

In addition to the above appropriation, there is also hereby conditionally appropriated, the sum of \$350,000 to the Helen Keller Eye Research Foundation to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

Total Support of Other Educational Activities Program 8,839 8,839

For reimbursement of every state institution of higher learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, as amended, Sections 16-33-1 through 16-33-12.

(i) Support of State Universities Program 50,000

SOURCE OF FUNDS:

(1) Federal and Local Funds 50,000

Total Support of State Universities Program 50,000 50,000

TOTAL DEPARTMENT OF EDUCATION:

SOURCE OF FUNDS:

(1) ASETF 31,777,877

(2) Federal and Local Funds 292,116,897

GRAND TOTAL DEPARTMENT OF EDUCATION 31,777,877 292,116,897 323,894,774

The State Department of Education shall reimburse any local education authority or city or county school system that provides special education services or other appropriate services to students who are residents of Department of Mental Health and Mental Retardation facilities, Brewer Porch Center or any other public or private agency that provides residential or special educational services to students. Any local educational authority or city or county school system that is required by any state or federal law, State Board of Education policy or

any other applicable federal or state court decision shall be entitled to reimbursement, from any funds available to the State Department of Education, at a reasonable rate as determined by the provider of such special educational services, but which shall not exceed the southeastern regional average. It shall be the responsibility of the State Department of Education to enter into any contractual agreement(s) as deemed necessary by the State Superintendent of Education to recover the costs of these services from the entities where such students reside.

In addition to the above appropriation to the State Department of Education, there is also hereby conditionally appropriated the sum of \$2,000,000 to support the funding of the aforementioned reimbursements to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

6. EDUCATION, STATE BOARD OF-MINIMUM PROGRAM AND PUBLIC SCHOOL FUND:

(a) Financial Assistance Program	724,953,909
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SOURCE OF FUNDS:

(1) ASETF	675,277,424		
(2) Public School Fund		45,000,000	
(3) Local Funds		4,676,485	
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Total Minimum Program, Public School Fund and Local Funds	675,277,424	49,676,485	724,953,909
		<hr/>	

The above appropriation shall be paid in accordance with Code of Alabama 1975, as amended, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto. For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not

more than four percent of the Public School Funds appropriated above shall be used or expended otherwise than for the payment of teachers employed in such schools. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1990, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1990.

The appropriation hereinabove set out for the fiscal year 1989-90 is based on 22,474.26 teacher units. It is provided in the event that there are more than 22,474.26 earned teacher units for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$45,000,000 available from the Public School Fund for the fiscal year 1989-90, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$300,000.

For "Salaries" the total shall not exceed the sum of \$502,175,268. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	2,876.71	\$ 70,545,559
I	22,961	13,417.14	308,070,952
II	19,992	6,180.41	123,558,757
III	16,832	0.00	0
IV	14,618	0.00	0
		<u>22,474.26</u>	<u>\$502,175,268</u>

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,247,426.

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$162,092,454. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$1,314,744.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for

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transportation purposes but the total shall not exceed the sum of \$56,824,017. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

7. EDUCATION, STATE BOARD
OF LOCAL BOARDS:

(a) Financial Assistance Program 552,846,534

SOURCE OF FUNDS:

(1) ASETF 552,846,534

Total State Board of Education-Local
Boards 552,846,534 552,846,534

To be distributed by the State Board
of Education for:

(1) Teachers' Sick Leave 4,335,405

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick
Leave 1,769,017

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, as amended, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

(3) Teachers' Personal
Leave 1,086,095

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1988-89 fiscal year be continued at that rate through the 1989-90 fiscal year. The above appropriation shall be in addition to

any local supplements paid for teachers' personal leave within a system.

- (4) Support Personnel Personal Leave 479,060

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, as amended, Section 16-8-26.1, provides for two (2) days personal leave at the rate of not more than \$17 per day.

- (5) Classroom Instructional Supplies 21,787,380

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred forty dollars (\$540) per teacher unit for grades K-12 for all teachers employed (except ECLA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$21,787,380 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. The adoption of a budget for the expenditure of this appropriation shall be by secret ballot. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama 1975, as amended, or falsifying certification of expenditures, shall be

guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 80% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(6) Kindergarten Instructional
Supplies 1,079,840

The above appropriation of \$1,079,840 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. This appropriation shall be in addition to the funds provided herein for "Classroom Instructional Supplies." However, this appropriation shall be subject to the same rules and regulations as are Classroom Instructional Supplies and shall also be

subject to Section 16-13-13, Code of Alabama, 1975. Each school shall have a specific policy on the development of the budget for Kindergarten Instruction Supplies consistent with state law, and such policy shall contain a secret ballot provision for the teachers in adopting said budget. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts.

Any person expending funds not in compliance with this appropriation or falsifying certification of expenditures shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 80% of its allocation of the above appropriation for kindergarten instructional supplies.

(7) Maintenance 6,398,059

To be distributed to all local boards of education based on a formula to be determined by the State Board of Education.

(8) Continuation of Funds Previously
Granted for Special
Education 26,419,722

(9) Special Schools for Special
Education 2,792,269

To be distributed by the State Board of Education as follows: \$450,000 shall be allocated to the Tuscaloosa Regional Handicapped School a portion of which shall be used for Alberta City Summer Program for Mentally Retarded; \$45,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$22,500 shall be allocated to the Jasper Shriner School; \$67,500 shall be allocated to Coffee County Board of Education-Project Independence; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped

Children; \$67,500 shall be allocated to the Montgomery County Board of Education for the purpose of operating a program for deaf students in public schools; \$90,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$135,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$27,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$90,000 shall be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$15,300 shall be allocated to the Tannehill Learning Center; \$502,269 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purpose of Code of Alabama 1975, as amended, Section 16-39-3, and P.L. 94-142; \$525,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders; \$27,000 shall be allocated to Daleville Board of Education for a program for gifted children; \$27,000 shall be allocated to Geneva City School System for a program for gifted children; \$135,000 for the Dothan City School for the Hearing Impaired; \$25,000 for the Midfield City Board of Education for Special Education; \$30,000 to the DeKalb County Board of Education for the Northeast Alabama Regional Special Education Assessment Program. In addition to the above appropriations, there is hereby conditionally appropriated the sum of \$27,000 to the Henry County Board of Education for Special Education Programs.

(10) Kindergarten Teacher
Units 88,183,351

The above appropriation is for 3,037.04 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$66,101,458. The State Board of Education shall have the discretion to redistribute the number

of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	139.70	\$ 3,425,863
I	22,961	1,600.53	36,749,769
II	19,992	<u>1,296.81</u>	<u>25,925,826</u>
		3,037.04	\$66,101,458

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$21,904,226. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$177,667.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amount shall not be allotted or paid. In the event more than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

- (11) Continuation of Teacher Units to
reduce pupil-teacher ratio in grades
1-6 17,525,717

The above appropriation is for 592.52
teacher units and includes salaries,
other current expense, and capital
improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$13,217,587. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.69	\$ 2,150,422
I	22,961	328.26	7,537,178
II	19,992	<u>176.57</u>	<u>3,529,987</u>
		592.52	\$13,217,587

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$4,273,468. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$34,662.

- (12) Teacher Units to reduce pupil-
teacher ratio in Grade 1 .. 1,626,634

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The above appropriation is for 55.00 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$1,226,736. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	8.03	\$ 196,920
I	22,961	30.58	702,147
II	19,992	16.39	327,669
		55.00	\$1,226,736

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$396,680. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$3,218.

(13) Supportive Teacher

Units 53,507,672

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (10) and Continuation Teacher Units in (11) and Teacher Units in (16). The above appropriation is for 1,785.73 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$40,523,879. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	396.43	\$ 9,721,653
I	22,961	1,019.65	23,412,184
II	19,992	369.65	7,390,042
		1,785.73	\$40,523,879

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$12,879,328. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$104,465.

(14) Special Education Teacher

Units 105,358,152

The above appropriation is for 3,500 teacher units and includes salaries, other current expense, capital improvements, and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$79,146,942. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	325.50	\$ 7,982,236
I	22,961	2,593.50	59,549,354
II	19,992	<u>581.00</u>	<u>11,615,352</u>
		3,500.00	\$79,146,942

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$25,243,260. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

(15) Driver Education Teacher

Units 8,588,588

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,480,039. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	22.33	\$ 547,599
I	22,961	195.75	4,494,616
II	19,992	<u>71.92</u>	<u>1,437,824</u>
		290.00	\$6,480,039

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$2,091,584.

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It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(16) Teacher Units to Reduce the
Pupil-Teacher Ratio in Grade One
Pursuant to Act 87-

665 20,265,856

The above appropriation is for 682 teacher units and includes salaries, principal supplement, other current expense and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$15,238,929. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.30	\$ 2,140,858
I	22,961	407.15	9,348,571
II	19,992	<u>187.55</u>	<u>3,749,500</u>
		682.00	\$15,238,929

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$68,200.

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$4,918,830. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$39,897.

(17) Vocational
Education 86,368,472

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation of \$86,368,473 for Vocational Education, the sum of \$6,394,785 shall be used to fund FICA for Vocational Education Programs. Of the above appropriation, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education. Of the above appropriation, an equal amount shall be allotted to each vocational teacher unit funded herein for support and operations. Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, of the above appropriation, \$356,500 shall be expended solely for vocational support and instructional supplies. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in that section have been expended only for vocational support and instructional supplies. On the affidavit, the superintendent shall state

the amount of funds expended for use by vocational teachers and the amount of funds expended for collective purposes for vocational purchases for vocational and instructional supplies. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any of the \$356,500 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$356,500 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(18) Teachers' Aides 3,762,500

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty consecutive minutes of time free from instructional or supervisory responsibilities each teaching day.

(19) Salary Increases for Tenured Teachers (Estimated) 72,095,201

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

(20) Support Personnel Salary Increase (Estimated) 25,517,544

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time

support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

(21) Library Enhancement
(K-12) 3,900,000

To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a formula to be determined by the State Board of Education. In addition to the above appropriation, there is hereby appropriated the amount of \$1,000,000 to be conditioned on the availability of funds in the ASETF and upon approval of the Governor. Such funds shall be used as provided for in this sub-section.

(22) Capital
Improvements 10,000,000

To be distributed to local boards on a formula to be determined by average daily attendance. Said appropriation shall be conditioned upon the availability of funds in the ASETF and the approval of the Governor. Said conditional shall be the second conditional to be released following the release of funds to the Proration Prevention Account as provided for in this Act.

(23) Burned-Out Schools ... 5,000,000

The above appropriation of \$5,000,000 for burned-out schools shall be conditioned upon the availability of

funds in the ASETF, the proof of a burned-out school, and upon the approval of the Governor. This conditional appropriation shall be the third conditional appropriation released following the release of funds to the Proration Prevention Account and Capital Improvements as provided for herein. These funds, when released, shall be allocated to schools according to the earliest dates of their burning during this legislative quadrennium.

8. PROJECT DARE IN HUNTSVILLE:

(a) Drug Education Program	200,000
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To be expended for instruction and materials related to drug education in the public schools.

SOURCE OF FUNDS:

(1) ASETF	200,000	
Total Project DARE in Huntsville	200,000	200,000

9. EDUCATION, STATE BOARD OF-POSTSECONDARY PRISON EDUCATION:

(a) Operations and Maintenance	6,413,230	1,953,165	8,366,395
(b) Library Enhancement	9,626		9,626
(c) Prison Education Expansion Programs at Clio and Clayton	300,000		300,000
(d) FICA-State Share	300,000		300,000

SOURCE OF FUNDS:

(1) ASETF	7,022,856		
(2) Federal and Local Funds		1,953,165	
Total State Board of Education-Post-secondary Prison Education	7,022,856	1,953,165	8,976,021

(1) The Operations and Maintenance appropriation above of \$6,413,230 to the State Board of Education for Postsecondary Prison Education shall be distributed in accordance with a formula adopted by the State Board of Education to the colleges listed herein as follows: (1) Alexander City State Junior College; (2) Atmore State Technical College; (3) John C. Calhoun State Community College; (4) Jefferson Davis State Junior College; (5) Gadsden State Community College; (6) J.F. Ingram State Technical College; (7) Theodore A. Lawson State Community College; (8) Chauncey Sparks State Technical College.

(2) The Library Enhancement appropriation above of \$9,626 is to be distributed to the colleges listed in (1) above on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may

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include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

10. GADSDEN STATE COMMUNITY COLLEGE:

(a) Technical Assistance Program	300,000
(For merger expense.)	

SOURCE OF FUNDS:

(1) ASETF	300,000	
<hr/>		
Total Gadsden State Community College	300,000	300,000

It is the intent of the Legislature that no line-item appropriation from the ASETF shall be made to Gadsden State Community College for merger expense after the above appropriation is allocated for the fiscal year ending September 30, 1990.

11. EDUCATION, STATE BOARD OF JUNIOR COLLEGE SYSTEM:

(a) Operations and Maintenance	65,066,647	21,074,350	86,140,997
(b) High Technology Equipment	190,076		190,076
(c) Library Enhancement	221,245		221,245
(d) Auxiliary Enterprises		6,757,417	6,757,417
(e) Restricted Funds		22,170,850	22,170,850
(f) Capital Outlay	100,000		100,000
(g) FICA-State Share	5,433,262		5,433,262

SOURCE OF FUNDS:

(1) ASETF	71,011,230	
(2) Other Funds		50,002,617
<hr/>		
Total State Board of Education-Junior College System	71,011,230	121,013,847

(1) The Operations and Maintenance appropriation above of \$65,066,647 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) The sum of \$200,000 to each junior college.

(b) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1987-88 and the fall, winter and spring quarters of the school year 1988-89 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the summer quarter of the school year 1987-88 and the fall, winter, and spring quarters of the school year 1988-89 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs.

Continuing education unit hours shall be excluded from the computations herein required. The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Community College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama Community College; (15) Shoals Community College; (16) Snead State Junior College; (17) Southern Union State Junior College; (18) George C. Wallace State Community College (Selma); (19) George C. Wallace State Community College (Dothan); (20) Lurleen B. Wallace State Junior College; (21) George C. Wallace Community College at Hanceville; (22) Shelton State Community College.

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in 1(b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$221,245 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in 1(b) on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

12. EDUCATION, STATE BOARD OF TECHNICAL COLLEGE SYS- TEM:

(a) Operations and Maintenance	47,639,572	15,369,397	63,008,969
(b) High Technology Equipment	190,076		190,076
(c) Library Enhancement	114,509		114,509
(d) Auxiliary Enterprises		4,874,572	4,874,572
(e) Restricted Funds		13,811,319	13,811,319
(f) Community Colleges—Start-up Costs for Technical Divisions	200,000		200,000
(g) FICA-State Share	3,914,606		3,914,606

SOURCE OF FUNDS:

(1) ASETF	52,058,763		
(2) Other Funds		34,055,288	
Total State Board of Education-Technical College System	52,058,763	34,055,288	86,114,051

(1) The Operations and Maintenance appropriation above of \$47,639,572 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein as follows. Each such technical college listed in sub-section (a) below shall receive an operations and maintenance funding base in an equal amount as set by the State Board of Education. The remainder of the operations and maintenance appropriation

shall be made on the same formula basis as was used in fiscal year 1988-89 with the exception of funding for prison education.

(a) The appropriation is to be allotted to each technical college in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between colleges. The application of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) John C. Calhoun State Community College; (6) Carver State Technical College; (7) J.F. Drake State Technical College; (8) Gadsden State Community College; (9) Richmond P. Hobson State Technical College; (10) Theodore A. Lawson State Community College; (11) Douglas McArthur State Technical College; (12) Northwest Alabama Community College; (13) N.F. Nunnolley State Technical College; (14) Opelika State Technical College; (15) John M. Patterson State Technical College; (16) Ed E. Reid State Technical College; (17) Shelton State Technical College; (18) Shoals Community College; (19) Southwest State Technical College; (20) Chauncey Sparks State Technical College; (21) Council Trenholm State Technical College; (22) C.A. Fredd State Technical College; (23) Walker State Technical College; (24) George C. Wallace State Community College (Selma); (25) George C. Wallace State Community College (Dothan); (26) George C. Wallace State Community College (Hanceville); (27) J. F. Ingram State Technical College.

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in 1(a) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$114,509 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in 1(a) on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(4) The Community College—Start-up Cost appropriations for technical divisions shall be divided equally between Bishop State Community College's Technical Division and Jefferson State Community College's Technical Division. These Technical Divisions shall not receive ASETF funding from the 1) Operations and Maintenance, 2) High Technology Equipment or 3) Library Enhancement appropriations made hereinabove. Provided, however, that in addition to the above appropriations for the Community Colleges—Start-Up Costs for Technical Divisions, there is also hereby conditionally appropriated the sum of \$350,000 to be divided equally between Bishop State and Jefferson State Community Colleges'—Technical Divisions; and it is further conditionally appropriated the respective Technical Divisions' FTE allocation to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

13. EDUCATION STUDY COM- MISSION:

(a) Advisory Services Program

250,000

This appropriation is to be expended
pursuant to Code of Alabama 1975,

as amended, Sections 16-6-1 through 16-6-6.

SOURCE OF FUNDS:

(1) ASETF	250,000	\$250,000
Total Education Study Commission ...	250,000	250,000

**14. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGE-
MENT DIVISION-SUPERCOM-
PUTER:**

(a) Administrative Support Services Program	8,400,000
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This appropriation is to be expended for operation and maintenance of the supercomputer.

SOURCE OF FUNDS:

(1) ASETF	6,400,000		
(2) Supercomputer Revolving Fund, Estimated		2,000,000	
Total Department of Finance-Data Systems Management Division- Supercomputer	6,400,000	2,000,000	8,400,000

**15. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGE-
MENT DIVISION, TELEPHONE
REVOLVING FUND:**

(a) Administrative Support Services Program	6,375,000
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SOURCE OF FUNDS:

(1) ASETF	6,375,000		
Total Department of Finance-Data Systems Management Division, Telephone Revolving Fund	6,375,000		6,375,000

**16. FINE ARTS, ALABAMA
SCHOOL OF:**

(a) Fine Arts Program	1,195,597
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SOURCE OF FUNDS:

(1) ASETF	1,003,110		
(2) Federal and Local Funds		192,487	
Total Alabama School of Fine Arts	1,003,110	192,487	1,195,597

**17. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGE-
MENT:**

(a) Administrative Support Services Program	331,000
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To be expended for education and training for the Governmental Accountant and Auditor Training Program and the Certified Public Manager Program.

SOURCE OF FUNDS:

(1) ASETF	331,000	
Total Department of Finance-Data Systems Management	331,000	331,000

18. FIREFIGHTERS PERSONNEL
STANDARDS AND EDUCA-
TION COMMISSION, ALA-
BAMA/ALABAMA FIRE
COLLEGE-SHELTON STATE
COMMUNITY COLLEGE:

(a) Operations and Maintenance	731,457	180,172	911,629
(b) Auxiliary Enterprises		496,700	496,700
(c) Restricted Funds		225,000	225,000

SOURCE OF FUNDS:

(1) ASETF	731,457		
(2) Other Funds		901,872	
Total Alabama Firefighters Personnel Standards and Education Commis- sion/Alabama State Fire College- Shelton State Community College ..	731,457	901,872	1,633,329

19. HEALTH INSURANCE
BOARD, PUBLIC EDUCATION
EMPLOYEES':

(a) Administrative Support Services Program	144,323,360
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The above appropriation of \$144,323,360 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds, employees of the Alabama Institute for the Deaf and Blind, and retired employees eligible under the provisions of Code of Alabama 1975, as amended, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, as amended, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$144,323,360 appropriated hereinabove shall fund the Public Education Employees Health

Insurance Program so that beginning and during fiscal year 1989-90 all eligible full-time employees shall pay the premium rate of not less than \$2.00 per month and all retired eligible employees shall pay the premium rate of not less than \$1.14 per month. The above contribution rates shall not be reduced by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF	144,323,360	
Total Public Education Employees' Health Insurance Board	144,323,360	144,323,360

20. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program	2,384,449
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance	1,309,635
Program Evaluation	200,037
Research Enhancement Program	275,000

SOURCE OF FUNDS:

(1) ASETF	1,784,672	
(2) Federal and Local Funds		599,777
Total Planning and Coordination Services Program (Total Operations)	1,784,672	599,777
		2,384,449

(b) Student Financial Aid Program ...	31,431,071
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The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:

(1) Educational Grants Program	3,487,742
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(2) Alabama National Guard Educational Assistance 200,826

To be expended in accordance with
Code of Alabama 1975, as amended,
Sections 31-10-1 through 31-10-4.

(3) Emergency Secondary Education
Scholarships 1,077,007

To be expended in accordance with
Code of Alabama 1975, as amended,
Sections 16-23-18 through 16-23-23.

(4) Chiropractic
Scholarships 48,676

To be expended under the provisions
of Code of Alabama 1975, as
amended, Section 16-5-11.

(5) Alabama Student Assistance
Program 2,009,117

SOURCE OF FUNDS:

(1) ASETF	6,823,368		
(2) Federal and Local Funds		24,607,703	
Total Student Financial Aid Program	6,823,368	24,607,703	31,431,071

(c) Support of Other Educational Activities Program 5,072,342

The proposed spending plan for the
ASETF monies included in the above
program is to be distributed through
ACHE as follows:

(1) Network of Alabama Academic Libraries (NAAL) 1,085,513

(2) Southern Regional Education Board (SREB) 399,417

(3) EPSCoR-National Science Foundation Program 1,000,000

In addition to the above appropriation
for EPSCoR-National Science
Foundation Program there is also
hereby conditionally appropriated the
sum of \$1,000,000 to be conditioned
upon the availability of funds in the
ASETF and the approval of the
Governor.

(4) Eminent Scholars
Program 2,000,000

(5) Alabama Small Business Development Consortium 552,412

SOURCE OF FUNDS:

(1) ASETF	5,037,342		
(2) Federal and Local Funds		35,000	

Total Support of Other Educational Activities Program	5,037,342	35,000	5,072,342
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**TOTAL ALABAMA COMMISSION
ON HIGHER EDUCATION:**

SOURCE OF FUNDS:

(1) ASETF	13,645,382		
(2) Federal and Local Funds		25,242,480	
Grand Total Alabama Commission on Higher Education	13,645,382	25,242,480	38,887,862

**21. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE,
ALABAMA:**

(a) Industrial Training Program	1,787,166		1,787,166
(b) Industrial Development Program	3,100,000		3,100,000
(c) Alabama Center for Quality and Productivity	1,365,000		1,365,000

SOURCE OF FUNDS:

(1) ASETF	6,252,166		
Total Alabama Industrial Development Training Institute	6,252,166		6,252,166

In addition to the above appropriation, there is hereby conditionally appropriated from the Alabama Special Educational Trust Fund \$2,000,000 to the Alabama Industrial Development Training Institute, to be conditioned upon the availability of funds in the ASETF, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

22. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program ...			6,646,506
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SOURCE OF FUNDS:

(1) ASETF	5,978,252		
(2) Federal and Local Funds		668,254	
Total Alabama Public Library Service	5,978,252	668,254	6,646,506

In addition to the above appropriation, there is hereby appropriated to the Alabama Public Library Service the amount of \$1,000,000 to be conditioned on the availability of funds in the ASETF and upon approval of the Governor.

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23. MARINE ENVIRONMENTAL
SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program	1,577,423
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SOURCE OF FUNDS:

(1) ASETF	1,055,553	
(2) Federal and Local Funds		521,870
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Total Marine Environmental Sciences Consortium	1,055,553	521,870 1,577,423

24. MEDICAL SCHOLARSHIPS
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program	677,000
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SOURCE OF FUNDS:

(1) ASETF	677,000	
<hr/>		
Total Board of Medical Scholarships Awards	677,000	677,000

To be expended under the provisions of Code of Alabama 1975, as amended, Sections 16-47-121 through 16-47-129.

25. MENTAL HEALTH AND
MENTAL RETARDATION, DE-
PARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program	5,289,047
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Of the above appropriation \$2,937,996 shall be expended at the Eufaula Adolescent Center.

(b) Institutional Treatment and Care-Mental Retardation Program	2,794,607
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SOURCE OF FUNDS:

(1) ASETF	8,083,654	
<hr/>		
Total Department of Mental Health and Mental Retardation	8,083,654	8,083,654

In addition to the above appropriation, there is also hereby conditionally appropriated to the Department of Mental Health and Mental Retardation for educational purposes the sum of \$1,500,000 to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

26. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Licensing and Regulation Program	57,000
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SOURCE OF FUNDS:

- (1) ASETF-Transfer-as provided in
Code of Alabama 1975, as amended,
Sections 34-21-60 through 34-21-63
for Graduate Nursing Scholarships

57,000

Total Alabama Board of Nursing

57,000

57,000

27. OPTOMETRIC SCHOLAR-
SHIP AWARDS, BOARD OF:

- (a) Support of Other Educational Ac-
tivities Program

125,000

SOURCE OF FUNDS:

- (1) ASETF

125,000

Total Board of Optometric Scholarship
Awards

125,000

125,000

To be expended under the provisions
of the Code of Alabama 1975, as
amended, Sections 34-22-60 through
34-22-65.

28. PEACE OFFICERS' STAND-
ARDS AND TRAINING COM-
MISSION, ALABAMA:

- (a) Professional and Occupational Li-
censing and Regulation Program

233,094

- (b) Certified Law Enforcement Acad-
emy Program

785,925

Of the above appropriation for the Cer-
tified Law Enforcement Academy
Program, the \$435,925 of ASETF
monies included therein shall be ex-
pended as follows:

Mobile Police Training

Academy 25,000

Jacksonville State

University 118,264

University of Alabama 118,264

James H. Faulkner Jr.

College 118,264

Troy State University at

Montgomery 56,133

Total 435,925

SOURCE OF FUNDS:

- (1) ASETF

669,019

- (2) Alabama Peace Officers' Standards
and Training Fund-as provided in
Code of Alabama 1975, as amended,
Sections 36-21-40 through 36-21-
50

350,000

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Total Alabama Peace Officers' Standards and Training Commission	669,019	350,000	1,019,019
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29. POSTSECONDARY EDUCATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program			3,868,398
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Chancellor's Office Operations	1,456,283
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Program Planning and Enhancement	995,816
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Displaced Homemakers' Program	150,000
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Institutional Building and Equipment Rental	207,000
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SOURCE OF FUNDS:

(1) ASETF	2,809,099		
(2) Federal and Local Funds		1,059,299	

Total Postsecondary Education Department	2,809,099	1,059,299	3,868,398
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30. PRORATION PREVENTION ACCOUNT:

(a) Proration Prevention Account			8,000,000
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SOURCE OF FUNDS:

(1) ASETF	8,000,000		
Total Proration Prevention Account ..	8,000,000		8,000,000

To be appropriated in accordance with Act 88-981.

In addition to the above appropriation, there is hereby conditionally appropriated, the sum of \$14 million, to be prioritized as the first conditional appropriation to be released from the ASETF in fiscal year 1989-90, to be conditioned only upon the availability of funds in the ASETF.

31. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):

(a) Retirement Systems Program, Estimated			441,000
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SOURCE OF FUNDS:

(1) ASETF-Employees' Retirement System, Estimated	282,000
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(2) ASETF-Employees' Special Pension, Acts 85-631 and 88-600, Estimated	159,000	
Total Employees' Retirement System of Alabama (ASETF Share)	441,000	441,000

32. RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):

(a) Retirement Systems Program, Estimated		223,494,000
(b) Term Life Insurance		3,000,000

Persons eligible for this insurance benefit shall be the following:

- (1) full-time members of the Teachers' Retirement System of Alabama shall be eligible for the full benefit; and,
- (2) part-time members of the Teachers' Retirement System of Alabama shall be eligible for proportional benefit based on the percentage of time each works in relationship to full-time work.

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated	180,237,000	
(2) ASETF-Teachers' Special Pension Fund, Estimated	43,257,000	
(3) ASETF-Term Life Insurance	3,000,000	
Total Teachers' Retirement System of Alabama (ASETF Share)	226,494,000	226,494,000

33. ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY:

(a) Special Services Program		1,300,000
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SOURCE OF FUNDS:

(1) ASETF	1,300,000	
Total Alabama Public School and College Authority	1,300,000	1,300,000

34. SOCIAL SECURITY (ASETF SHARE):

(a) For State's share of Social Security, Estimated		100,000
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SOURCE OF FUNDS:

(1) ASETF	100,000	
Total Social Security (ASETF Share)	100,000	100,000

The above appropriation is to be used for prior period adjustments.

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**35. TENURE COMMISSION,
STATE:**

(a) Regulation Program 10,743

SOURCE OF FUNDS:

(1) ASETF	10,743	
Total State Tenure Commission	10,743	10,743

**36. TELEVISION COMMISSION,
EDUCATIONAL:**

(a) Educational Television Program .. 5,573,571

(b) Public Radio Service Program 374,000

SOURCE OF FUNDS:

(1) ASETF	4,002,571	
(2) Federal and Local Funds	1,945,000	
Total Educational Television Commission	4,002,571	1,945,000
		5,947,571

Of the above appropriation to the Educational Television Commission, \$400,000 shall be used to ti-in the United Star Network.

**37. UNEMPLOYMENT COMPEN-
SATION-LOCAL BOARDS:**

(a) Financial Assistance Program 850,000

SOURCE OF FUNDS:

(1) ASETF, Estimated	850,000	
Total Unemployment Compensation- Local Boards	850,000	850,000

**38. VETERANS' AFFAIRS, DE-
PARTMENT OF:**

(a) Administration of Veterans' Af-
fairs Program 4,008,808

SOURCE OF FUNDS:

(1) ASETF-Transfer	4,008,808	
Total Department of Veterans' Affairs	4,008,808	4,008,808

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, as

amended, Sections 31-6-1 through 31-6-17.

39. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program 4,490,455

The above appropriation for Financial Assistance Program includes \$2,875,753 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, as amended, Sections 44-1-70 through 44-1-77.

SOURCE OF FUNDS:

(1) ASETF	2,875,753		
(2) Federal and Local Funds		1,614,702	
Total Department of Youth Services ..	2,875,753	1,614,702	4,490,455

In addition to the above appropriation, there is hereby appropriated the sum of \$585,000 to be conditioned upon the availability of funds in the ASETF and upon approval of the Governor.

SECTION 4.
COLLEGES, UNIVERSITIES AND SCHOOLS:

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

A. The University of Alabama System

1. Operations and Maintenance and Program Support for the University of Alabama 73,930,243 39,953,031 113,883,274

The above amounts shall be distributed to the following enumerated programs by the President of the University of Alabama. In addition to operations and maintenance, the above funding shall include support for such entities as: Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Alabama Poison Control Center;

Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Emergency Medical Services (Paramedic Training); Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.

2. Operations and Maintenance and Program Support for the University of Alabama at Birmingham

111,547,439	298,996,045	410,543,484
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The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama at Birmingham. In addition to operations and maintenance, the above funding shall include support for such entities as: University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma, and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public

Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences.

3. Operations and Maintenance and Program Support for University of Alabama in Huntsville	23,869,385	16,162,638	40,032,023
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The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama in Huntsville. In addition to operations and maintenance, the above funding includes support for such entities as: School of Primary Medical Care; Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

4. Special Mental Health, University of Alabama at Birmingham	3,504,049		3,504,049
5. Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham	707,548		707,548
6. Social Security (FICA)-State Share	22,317,224		22,317,224
7. Auxiliary Enterprises		52,518,727	52,518,727
8. Restricted Funds		131,457,826	131,457,826

SOURCE OF FUNDS:

(1) ASETF	235,875,888		
(2) Other Funds		539,088,267	

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Total University of Alabama System	235,875,888	539,088,267	774,964,155
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**II. BOARD OF TRUSTEES OF
ALABAMA A&M UNIVERSITY**

A. Alabama A&M University

1. Operations and Maintenance and Program Support	17,124,464	6,251,892	23,376,356
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In addition to operations and maintenance, includes support for such entities as: Vocational Teacher Training; Cooperative Extension, Research and Services; Black Archives Museum.

2. Social Security (FICA)-State Share	1,171,898		1,171,898
3. Auxiliary Enterprises		4,075,000	4,075,000
4. Restricted Funds		8,393,315	8,393,315

SOURCE OF FUNDS:

(1) ASETF	18,296,362		
(2) Other Funds		18,720,207	
Total Alabama A&M University	18,296,362	18,720,207	37,016,569

**III. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY**

A. Alabama State University

1. Operations and Maintenance and Program Support	17,050,125	7,040,966	24,091,091
2. Social Security (FICA)-State Share	986,616		986,616
3. Auxiliary Enterprises		5,389,960	5,389,960
4. Restricted Funds		3,688,237	3,688,237

SOURCE OF FUNDS:

(1) ASETF	18,036,741		
(2) Other Funds		16,119,163	
Total Alabama State University	18,036,741	16,119,163	34,155,904

IV. STATE BOARD OF EDUCATION

A. Athens State College

1. Operations and Maintenance and Program Support	3,265,982	1,955,698	5,221,680
2. Social Security (FICA)-State Share	306,688		306,688
3. Auxiliary Enterprises		424,250	424,250
4. Restricted Funds		418,018	418,018

SOURCE OF FUNDS:

(1) ASETF	3,572,670		
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(2) Other Funds		2,797,966	
Total Athens State College	3,572,670	2,797,966	6,370,636

V. BOARD OF TRUSTEES OF AUBURN UNIVERSITY

A. Auburn University System

1. Operations and Maintenance and Program Support	125,726,741	65,651,034	191,377,775
2. Social Security (FICA)-State Share	8,633,947		8,633,947
3. Auxiliary Enterprises		38,431,300	38,431,300
4. Restricted Funds		48,386,221	48,386,221

SOURCE OF FUNDS:

(1) ASETF	134,360,688		
(2) Other Funds		152,468,555	
Total Auburn University System	134,360,688	152,468,555	286,829,243

VI. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY

A. Jacksonville State University

1. Operations and Maintenance and Program Support	17,882,641	10,093,106	27,975,747
2. Social Security (FICA)-State Share	1,620,637		1,620,637
3. Auxiliary Enterprises		3,200,000	3,200,000
4. Restricted Funds		4,520,000	4,520,000

SOURCE OF FUNDS:

(1) ASETF	19,503,278		
(2) Other Funds		17,813,106	
Total Jacksonville State University	19,503,278	17,813,106	37,316,384

VII. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY

A. Livingston University

1. Operations and Maintenance and Program Support	5,883,691	1,645,525	7,529,216
2. Social Security (FICA)-State Share	410,005		410,005
3. Auxiliary Enterprises		2,313,355	2,313,355
4. Restricted Funds		130,467	130,467

SOURCE OF FUNDS:

(1) ASETF	6,293,696		
(2) Other Funds		4,089,347	

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Total Livingston University	6,293,696	4,089,347	10,383,043
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**VIII. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTE-
VALLO**

A. University of Montevallo

1. Operations and Maintenance and Program Support	9,776,533	4,462,964	14,239,497
2. Social Security (FICA)-State Share	698,897		698,897
3. Auxiliary Enterprises		4,551,490	4,551,490
4. Restricted Funds		1,804,383	1,804,383

SOURCE OF FUNDS:

(1) ASETF	10,475,430		
(2) Other Funds		10,818,837	
Total University of Montevallo	10,475,430	10,818,837	21,294,267

**IX. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH ALA-
BAMA**

A. University of North Alabama

1. Operations and Maintenance and Program Support	13,457,168	6,931,830	20,388,998
2. Social Security (FICA)-State Share	1,065,835		1,065,835
3. Auxiliary Enterprises		1,919,217	1,919,217
4. Restricted Funds		566,701	566,701

SOURCE OF FUNDS:

(1) ASETF	14,523,003		
(2) Other Funds		9,417,748	
Total University of North Alabama	14,523,003	9,417,748	23,940,751

**X. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH ALA-
BAMA**

A. University of South Alabama

1. Operations and Maintenance and Program Support	41,732,143	105,519,289	147,251,432
2. Social Security (FICA)-State Share	5,829,972		5,829,972
3. Auxiliary Enterprises		8,519,425	8,519,425
4. Restricted Funds		13,625,000	13,625,000

SOURCE OF FUNDS:

(1) ASETF	47,562,115		
(2) Other Funds		127,663,714	

Total University of South Alabama	47,562,115	127,663,714	175,225,829
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XI. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY

A. Troy State University System

1. Operations and Maintenance and Program Support	17,601,118	19,649,902	37,251,020
2. Social Security (FICA)-State Share	1,852,558		1,852,558
3. Auxiliary Enterprises		6,800,470	6,800,470
4. Restricted Funds		1,081,650	1,081,650

SOURCE OF FUNDS:

(1) ASETF	19,453,676		
(2) Other Funds		27,532,022	
Total Troy State University System ...	19,453,676	27,532,022	46,985,698

XII. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND

(a) Adult Programs	3,352,465	2,635,681	5,988,146
(b) Children and Youth Programs	10,547,535	1,748,136	12,295,671

Of the above appropriation to the Children and Youth Programs, \$100,000 shall be expended for a sensory-impaired program in Mobile County.

(c) Industries for the Blind	1,543,091	13,400,000	14,943,091
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SOURCE OF FUNDS:

(1) ASETF	15,443,091		
(2) Other Funds		17,783,817	
Total Alabama Institute for Deaf and Blind	15,443,091	17,783,817	33,226,908

In addition to the above appropriation to the Alabama Institute for Deaf and Blind, there is hereby conditionally appropriated the sum of \$500,000 for operations and maintenance to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

SECTION 5.

In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which

the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6.

The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

SECTION 7.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 8.

The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1990.

SECTION 9.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, as amended, Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

SECTION 10.

In the event that a court of competent jurisdiction should order the state of Alabama to repay any sales tax paid by any hospital for prescription drugs pursuant to Section 40-23-4.1, Code of Alabama 1975, or in the event negotiations among the interested parties should fail to reach a successful and satisfactory agreement, the Governor is hereby authorized to release funds from the ASETF in an amount sufficient for the repayment of any sales tax refunds. The amount of any such repayment shall be certified as legally due by the Commissioner of Revenue to the Finance Director and the Governor.

SECTION 11.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or

appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 12.

This Act shall become effective on October 1, 1989.

REPORT OF COMMITTEE ON CONFERENCE

MOTION TO CONCUR

Rep. Harper offered the motion that the House concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 281, said report being set out in the above and foregoing Report of the Committee on Conference.

SUBSTITUTE MOTION TO NON-CONCUR ADOPTED

The substitute motion offered by Rep. Ford that the House non-concur in the Report of the Committee on Conference on the bill, H. 281, and request a new Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment to the bill, H. 281, was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Flowers, Ford, Frazier, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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COMMITTEE APPOINTED

The Speaker of the House appointed as the Committee on Conference, on the part of the House, Reps. Harper, Campbell and White (G), on the disagreement of the two Houses on the Senate amendment to the bill, H. 281.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Mathis to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 47, was lost, lacking a four-fifths vote.

Yeas 39; Nays 18.

Yeas:

Reps. Beasley, Biddle, Black, Blake, Bowling, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay,

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Colvin, Cosby, Drake, Ford, Grouby, Higginbotham, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Laird, Mathis, Melton, Moon, Newman, Newton (C), Penry, Rains, Rogers, Starkey, Williams and Zoghby.

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Nays:

Reps. Adams, Beers, Box, Brooks, Frazier, Grayson, Harvey, Holley, Hooper, McKee, Mikell, Payne, Petelos, Sanderford, Turnham, White (G), White (L) and Wright.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Bryant, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 248.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bryant, Budget Isolation Resolution relating to H. B. 248, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Drake, Frazier, Freeman, Gray, Grouby, Hall, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Lindsey, Logan, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Rogers, Sanderford, Spratt, Walker, White (G), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 248. To provide that where a bond is required for persons to be licensed or permitted by the Commissioner or Board of Agriculture and Industries a bond equivalent may be substituted in lieu thereof; that said bond equivalent shall be limited to cash bonds or irrevocable letters of credit and that said bond equivalent shall comply in all aspects with the requirements for a bond; that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to adopt rules and regulations to carry out the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Drake, Frazier, Freeman,

Gray, Grouby, Hall, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Lindsey, Logan, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Rogers, Sanderford, Spratt, Walker, White (G), Williams, Wright and Zoghby.

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ADJOURNMENT

On motion of Rep. Holmes, and pursuant to the resolution, H. R. 349, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, April 13, 1989.

NINETEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 13, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Bill Butler, First Baptist Church, Dora, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Thomas Devanney, Huntsville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the 18th legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the 18th legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the 18th legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Marks, leave of absence was granted for Rep. Dillard.

At the request of Rep. White (G), leave of absence was granted for Rep. Seibels.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Mathis, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 47.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 467. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

Also:

S. 512. Relating to Marengo County, Alabama; further providing for the procedure for redeeming lands sold for taxes in such counties; and transferring certain duties of the probate judge to the revenue commissioner.

Also:

S. 513. Relating to Washington County; providing certain additional salary supplements for the two circuit judges that preside over the circuit court in said county.

Also:

S. 514. Relating to Marengo County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

S. 531. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

Also:

S. 566. To abolish all previous salary supplements and expense allowances paid to the circuit judges of the 33rd Judicial Circuit composed of Dale and Geneva counties on September 30, 1989, and to establish a new salary supplement on October 1, 1989, which shall be paid to the circuit judges of the 33rd Judicial Circuit and to establish the method of payment for such supplemental salaries.

Also:

S. 568. Relating to Clay County; granting to the Clay County Commission the authority, if they so desire or deem necessary, to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the implementation of this act.

Also:

S. 571. Relating to Randolph County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 431. Relating to Wilcox County; to amend Section 3 of Act No. 85-523 of the 1985 Regular Session (Acts 1985, p. 631), Act No. 85-826 of the 1985 Second Special Session (Acts 1985, p. 83), so as to provide further for

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the expense allowance and salary of the probate judge and to provide for retroactive effect.

Also:

S. 534. Relating to Wilcox County, repealing Act No. 317, S. 343, 1943 Local Acts, as amended, entitled "An Act To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued."

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

H. 47 RESUMED

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Mathis, the Budget Isolation Resolution and the bill, H. 47, were carried over to the 20th legislative day.

CO-SPONSOR ADDED

Rep. Drake was added as co-sponsor to the bill, H. 47.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a new Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 281. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

And the President and Presiding Officer of the Senate has appointed as the new Committee on part of the Senate, Senators: Horn, Barron, and Drinkard.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 660. To make an appropriation from the State General Fund to be distributed to certain fire departments for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 598. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Financial Assistance to Local Boards by \$2,160,937 for the fiscal year ending September 30, 1989.

Also:

H. 596. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$382,685.50 for the fiscal year ending September 30, 1989.

Also:

H. 597. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$639,076 for the fiscal year ending September 30, 1989.

Also:

H. 599. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 600. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

Also:

H. 601. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Council on the Arts by \$500,000 for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 656. To make an appropriation from the State General Fund of \$10,000 to Airport Hills Community for the fiscal year ending September 30, 1989.

Also:

H. 657. To make an appropriation from the State General Fund of \$5,000 to Highland Estates Community for the fiscal year ending September 30, 1989.

Also:

H. 659. To make an appropriation from the State General Fund of \$2,500 to the Alabama Watermelon Association for the fiscal year ending September 30, 1989.

Also:

H. 663. To make an appropriation from the State General Fund of \$100,000 to Festival Park, Inc. for the fiscal year ending September 30, 1989.

Also:

H. 669. To make an appropriation from the State General Fund to the Shelby County Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 169. URGING ALL STATE, COUNTY AND MUNICIPAL OFFICIALS TO PROMOTE SMALL BUSINESS OWNERS AND OPERATORS FROM SOCIALLY AND ECONOMICALLY DISADVANTAGED AREAS VOLUNTARILY.

Also:

H. J. R. 199. URGING THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO SEEK THE ESTABLISHMENT OF A JOINT WATER RESOURCES COORDINATING COUNCIL WITH THE STATE OF FLORIDA.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 361. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business in the order set forth below, shall be the special and paramount order of business for the 19th legislative day, Thursday, April 13, 1989, taking precedence over the regular order of business and the call of the districts for introduction of bills and resolutions.

Report of Standing Committees

Uncontested Local Bills

Unfinished Business

And the following bills:

Inst Id	Page
<u>H. 58</u> —By Newton (D)	147
Contracts let by competitive bid, min. amt. changed, Secs. 41-16-20, 41-16-24 am'd.	
<u>H. 285</u> —By Logan	21
Lifetime hunting, fishing and combined licenses, fee incr., non-residents not entitle to receive, voiding provision removed	
<u>H. 287</u> —By Fuller (As Substituted)	40
Tax collectors, tax assessors, revenue commissioners, license commissioners, minimum salary reg., population brackets alt., Sec. 40-6A-2 amd.	
<u>H. 288</u> —By Fuller	34
Tax collector, revenue commissioner, tax assessor, license commissioner, fees incr.	
<u>H. 166</u> —By Butler (As Amended)	14
Marriage license, lab test for syphilis, Sec. 22-11A-15 am'd.	
<u>H. 268</u> —By Mikell	80
State officers and employees acting within scope of employment, cap on judgments against	
<u>H. 676</u> —By Breedlove	160
Mowa Choctaw Housing Authority, bd. membership, duties, area of operation alt., Secs. 24-7-1 through 24-7-4 am'd.	
<u>H. 731</u> —By Williams	150
State holidays, Sec. 1-3-8 am'd.	
<u>H. 110</u> —By White (L) (As Amended)	25
Counties, ad valorem taxes collected, investment reg.	

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<u>H. 515</u> —By Harper (As Substituted)	63
Mobile Co., new permit req. for Theodore Industrial Park re sewage in Mobile Bay, issued by co. water and sewer bd. and ADEM	
<u>H. 543</u> —By Harper (As Amended)	31
Water and fire protection authority of a county, take over by mun. water and sewer bd. reg.	
<u>H. 404</u> —By Freeman	48
Alabama Workmen's Compensation Self-Insurers Guaranty Association, created	
<u>H. 530</u> —By Buskey (JL) (As Amended)	124
Penny Trust Fund, enabling act	
<u>H. 387</u> —By Buskey (JL)	50
Penny Trust Fund, established, to be used for public health and public schools, consti. amd.	
<u>H. 679</u> —By Haynes	132
Videocassettes and films, taping and sales of certain, prohib. Secs. 13A-8-80 thru 13A-8-84, 13A-8-86, am'd.	
<u>H. 156</u> —By Turnham	38
Teachers Retirement System, superintendents of education participation upon ratification of const. amendment	
<u>H. 157</u> —By Turnham	39
Superintendent of education, elected, participation in Teachers' retirement system, ca	
<u>H. 70</u> —By Marks	5
Human Resources Dept., child support collections deposit to interest bearing accounts, Sec. 38-10-8 am'd.	
<u>H. 671</u> —By Harvey (As Substituted)	135
Consumer loans, excess finance charges, recovery of alt., Sec. 5-19-19 am'd.	
On motion of Rep. Carter, the resolution, H. R. 361, was adopted.	

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Figures:

S. J. R. 114. COMMENDING THE JOHN L. LeFLORE BASKETBALL TEAM ON THE 1989 STATE CLASS 6A BOYS BASKETBALL CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kennedy, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 114, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dixon, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), Smith (J), and Windom:

S. J. R. 116. CONGRATULATING ROBERT JACKSON RUSSELL ON HIS APPOINTMENT TO THE ALABAMA COURT OF CIVIL APPEALS.

Also:

By Senator Windom:

S. J. R. 118. MEMORIALIZING THE U.S. CONGRESS TO ENACT LEGISLATION ELIMINATING TURTLE EXCLUDER DEVICES WHICH HAVE DETRIMENTAL EFFECTS ON OUR SHRIMPING INDUSTRY.

Also:

By Senators Bedsole and Windom:

S. J. R. 120. COMMENDING THE MOBILE POLICE DEPARTMENT "OFFICER OF THE YEAR," CORPORAL RAY ROBERTSON.

Also:

By Senator Langford:

S. J. R. 121. CONGRATULATING FRANCES CLARK, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

By Senator Langford:

S. J. R. 122. CONGRATULATING HELEN WISPER, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

By Senator Langford:

S. J. R. 123. CONGRATULATING MARY BRIERS, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

By Senator Langford:

S. J. R. 124. CONGRATULATING ANNE MCGRUDER, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

By Senator Figures:

S. J. R. 125. COMMENDING COACH JOHNNY SHELWOOD OF LAFLORE HIGH SCHOOL, MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Hooper, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 116, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Kennedy, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 118, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Kennedy, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 120, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Mikell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 121, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Mikell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 122, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Mikell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 123, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Mikell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 124, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Kennedy, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 125, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House non-concurred in the Senate amendment to the bill, H. 642, and requested a Committee on Conference be appointed to reconcile the differences between the two Houses on the Senate amendment, said Senate amendment being as follows:

To amend the substitute for H. B. 642 on page 2 line 19 by deleting the figure "\$100,000" and inserting in lieu thereof the figure "\$162,250".

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management, the Highway Department and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act No. 88-953 passed by the Legislature in the 1988 Second Extraordinary Session is hereby amended to include the following new Section.

Section 8A.

The appropriations made herein from the State General Fund to the following agencies shall be reduced by the following amounts for the fiscal year ending September 30, 1989. Said amounts shall revert to the credit of the State General Fund.

Alabama Development Office	\$200,000
Alabama Forestry Commission	\$366,000
Alabama Historical Commission	\$530,000
Alabama Department of Economic and Community Affairs	\$370,000
Department of Agriculture and Industries	\$150,000
Department of Environmental Management	\$100,000
Bureau of Tourism and Travel	\$100,000
Highway Department	\$100,000

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Clark (W), Colvin, Crow, Curry, Escott, Flowers, Frazier, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hogan, Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams and Willis.

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COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Harper, Campbell and White (G).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 643. To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 643, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated the sum of five million forty-seven thousand twenty-two dollars (\$5,047,022) from the Alabama Special Educational Trust Fund to the State Board of Education to be distributed to the following public educational institutions for the fiscal year ending September 30, 1989:

Alabama Aviation and Technical College

20,000

Alberta Elementary School— Wilcox County Board of Education	500
Alberta Shields Elementary School— Birmingham City Board of Education	2,000
Albertville City Board of Education	50,000
Alexander City Junior High School— Alexander City Board of Education	3,000
Alexander City State Junior College	40,000
Anniston City Board of Education	200,000
Arab City Board of Education	25,000
Arthur Elementary School— Birmingham City Board of Education	1,000
Ashford Elementary School—Houston County Board of Education	5,000
Ashford High School—Houston County Board of Education	20,000
Athens State College	150,000
Atmore State Technical College	100,000
Auburn City Board of Education	25,000
Baldwin County Board of Education	60,000
Barbour County Board of Education	70,000
Bellingrath Junior High School— Montgomery County Board of Education	5,000
Benjamin Russell High School— Alexander City Board of Education	3,000
Bessemer City Board of Education	44,000
Beverlye Middle School— Dothan City Board of Education	3,000
Birmingham City Board of Education	39,000
Birmingham Community Education Program— Birmingham City Board of Education	26,000
Bishop State Jr. College	125,000
Boykin Elementary School—Wilcox County Board of Education	500
Brantley Elementary School—Dallas County Board of Education	1,000
Brewton City Board of Education	10,000
C. A. Donehoo Elementary School— Gadsden City Board of Education	2,000

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C. A. Fredd State Technical College	20,000
Cahaba Heights Elementary School— Jefferson County Board of Education	10,000
Calhoun County Board of Education	66,650
Calhoun High School—Lowndes County Board of Education	2,500
Camden Academy Middle School—Wilcox County Board of Education	500
Camp Hill High School/Edward Bell High School—Tallapoosa County Board of Education	3,000
Carrie A. Tuggle Elementary School— Birmingham City Board of Education	2,000
Carver Elementary School—Montgomery County Board of Education	5,000
Carver Junior High School—Montgomery County Board of Education	5,000
Carver Senior High School—Montgomery County Board of Education	5,000
Carver Middle School—Dothan City Board of Education	1,000
Center Point Elementary School— Jefferson County Board of Education	2,500
Central Elementary School—Lowndes County Board of Education	1,000
Central Elementary School—Tuscaloosa City Board of Education	2,000
Central High School—Lowndes County Board of Education	2,500
Central High West—Tuscaloosa City Board of Education	5,000
Chalkville Elementary School—Jefferson County Board of Education	2,500
Chambers County Board of Education	25,000
Cherokee County Board of Education	30,000
Choctaw County Board of Education	38,000
Clay County Board of Education	6,000
Clay Elementary School—Jefferson County Board of Education	2,500
Cleburne County Board of Education	15,000

Cloverdale Elementary School—Dothan City Board of Education	3,000
Clyde E. Kirby Middle School— Birmingham City Board of Education	2,000
Coffee County Board of Education	56,050
Conecuh County Board of Education	25,000
Cory Middle School—Gadsden City Board of Education	2,000
Cottonwood High School—Houston County Board of Education	5,000
Curry Elementary School—Walker County Board of Education	2,941
Curry High School—Walker County Board of Education	2,941
Curry Middle School—Walker County Board of Education	2,941
Curtiston Elementary School—Attalla City Board of Education	2,000
Dadeville Elementary School— Tallapoosa County Board of Education	3,000
Dadeville High School—Tallapoosa County Board of Education	3,000
Daisy Lawrence Elementary School— Montgomery County Board of Education	4,000
Dale County Board of Education	25,000
Daleville City Board of Education	35,000
Dallas County Board of Education	9,254
Davis Elementary School—Montgomery County Board of Education	4,000
Decatur City Board of Education	8,000
DeKalb County Board of Education	65,000
Disque Middle School—Gadsden City Board of Education	1,000
Dora High School—Walker County Board of Education	2,941
Dothan High School—Dothan City Board of Education	9,000
East Side Middle School—Selma City Board of Education	1,000
East End Elementary School—Selma City Board of Education	1,000

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Elba City Board of Education	37,350
Emma Sansom High School—Gadsden City Board of Education	1,000
Empire Junior High School—Walker County Board of Education	2,941
Enterprise City Board of Education	106,600
Erwin Elementary School—Jefferson County Board of Education	2,500
Erwin High School—Jefferson County Board of Education	5,000
Erwin Jr. High School—Jefferson County Board of Education	3,500
Escambia County Board of Education	40,000
Etowah County Board of Education	53,500
Etowah High School—Attalla City Board of Education	2,000
Etowah Middle School—Special Education— Attalla City Board of Education	11,000
Etowah Middle School—Attalla City Board of Education	2,000
Eufaula City Board of Education	70,000
Eura Brown Elementary School— Gadsden City Board of Education	2,000
Fairfield City Board of Education	40,000
Farmstead Junior High School—Walker County Board of Education	2,941
Fayette County Board of Education	22,500
Florence City Board of Education	10,000
Ft. Deposit Elementary School—Lowndes County Board of Education	1,000
Ft. Payne City Board of Education	15,000
Gadsden City Board of Education	57,500
Gadsden High School—Gadsden City Board of Education	1,000
Gadsden State Community College	15,000
Gate City Elementary—Birmingham City Board of Education	1,000
Geneva City Board of Education	30,000
Geneva County Board of Education	70,000

George C. Wallace State Community College at Hanceville	100,000
Girard Middle and Elementary School— Dothan City Board of Education	3,000
Grandview Elementary School— Dothan City Board of Education	3,000
Grantswood Elementary School— Jefferson County Board of Education	8,000
Greene County Board of Education	17,000
Gresham Middle School—Jefferson County Board of Education	7,000
Hackneyville High School— Tallapoosa County Board of Education	3,000
Hale County Board of Education	29,056
Harmon Elementary School—Houston County Board of Education	1,000
Harrison Elementary School—Montgomery County Board of Education	4,000
Hartselle City Board of Education	16,000
Hayes High School—Birmingham City Board of Education	1,000
Hayneville Middle School—Lowndes County Board of Education	1,500
Hayneville Road Elementary School— Montgomery County Board of Education	4,000
Heard Elementary School—Dothan City Board of Education	3,000
Henry County Board of Education	25,000
Hewitt Trussville Elementary School— Jefferson County Board of Education	2,500
Hewitt Trussville High School— Jefferson County Board of Education	5,000
Hewitt Trussville Jr. High School— Jefferson County Board of Education	3,500
Hewitt Trussville Middle School— Jefferson County Board of Education	2,500
Highlands Elementary School—Dothan City Board of Education	1,000
Homewood City Board of Education	50,000
Honeysuckle Middle School—Dothan City Board of Education	3,000

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Hoover City Board of Education	45,000
Houston County High School—Houston County Board of Education	10,000
Huffman High School—Birmingham City Board of Education	5,500
Huntsville City Board of Education	84,000
Jackson County Board of Education	29,500
Jacksonville City Board of Education	10,750
J. E. Hobbs Elementary School— Wilcox County Board of Education	500
Jefferson County Board of Education	205,000
Jefferson State Community College	50,000
Jesse Dean Smith Elementary School— Gadsden City Board of Education	2,000
Jim Pearson School—Alexander City Board of Education	3,000
L. M. Smith Jr. High School— Birmingham City Board of Education	1,000
Lamar County Board of Education	21,000
Laurel School—Alexander City Board of Education	3,000
Lee County Board of Education	75,000
Leeds Elementary School—Jefferson County Board of Education	5,000
Leeds Middle School—Jefferson County Board of Education	5,000
Litchfield High School—Gadsden City Board of Education	2,000
Lowndes County Board of Education	10,000
Lowndes Middle School—Lowndes County Board of Education	1,500
McArthur Elementary School—Birmingham City Board of Education	2,000
McIntyre Junior High School— Montgomery County Board of Education	1,000
McMillan Elementary School— Montgomery County Board of Education	4,000
Maddox Middle School—Jasper City Board of Education	2,941
Madison County Board of Education	78,000

Marion County Board of Education	31,500
Marshall County Board of Education	30,000
Martin Luther King Jr. Elementary— Tuscaloosa City Board of Education	3,500
Matthews Elementary School—Tuscaloosa County Board of Education	10,000
Memorial Park Elementary School— Jasper City Board of Education	2,941
Midfield City Board of Education	14,000
Mobile County Board of Education	509,000
Monroe County Board of Education	25,000
Montana Elementary School—Dothan City Board of Education	1,000
Montgomery County Board of Education	50,000
Moore Academy Elementary School— Wilcox County Board of Education	500
Morgan County Board of Education	20,000
Mountain Brook City Board of Education	60,000
New Site High School—Tallapoosa County Board of Education	3,000
Northington Elementary School— Tuscaloosa City Board of Education	5,000
Northview High School—Dothan City Board of Education	7,000
Northwest Alabama Community College	50,000
Norwood Elementary School—Birmingham City Board of Education	2,000
Oakdale Elementary School— Tuscaloosa City Board of Education	2,000
Oscar Adams Elementary School—Special Education—Gadsden City Board of Education	11,000
Oscar Adams Elementary School—Gadsden City Board of Education	2,000
Oxford City Board of Education	24,700
Ozark City Board of Education	30,000
Parkview Elementary School—Tuscaloosa City Board of Education	2,000
Patterson Elementary School—Birmingham City Board of Education	1,000

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Pell City Board of Education	20,000
Perry County Board of Education	16,690
Phillips High School—Birmingham City Board of Education	5,000
Pickens County Board of Education	45,000
Piedmont City Board of Education	7,925
Pine Hill Elementary School— Wilcox County Board of Education	500
Pine Hill High School— Wilcox County Board of Education	500
Pine Hill Middle School— Wilcox County Board of Education	500
Pinson Elementary School—Jefferson County Board of Education	2,500
Pinson High School—Jefferson County Board of Education	5,000
Powell Elementary School—Birmingham City Board of Education	2,000
Randolph County Board of Education	6,000
Reeltown High School—Tallapoosa County Board of Education	3,000
Rehobeth High School—Houston County Board of Education	5,000
Riverside Junior High School— Tuscaloosa County Board of Education	5,000
Roanoke City Board of Education	6,000
Robinson Community School—Birmingham City Board of Education	1,000
Robinson Elementary—Birmingham City Board of Education	1,000
Rudd Jr. High School—Jefferson County Board of Education	3,500
Russell Elementary School— Lowndes County Board of Education	1,000
Scottsboro City Board of Education	15,000
Selma Elementary—Dothan City Board of Education	3,000
Shrine School for Exceptional— Jasper City Board of Education	2,941
Sipsey Junior High School—Walker County Board of Education	2,941

Skyland Elementary School—Tuscaloosa City Board of Education	1,000
Southlawn Elementary School— Montgomery County Board of Education	5,000
Southside Elementary—Dothan City Board of Education	1,000
Southwest State Technical College	100,000
St. Clair County Board of Education	30,000
Stillman Heights Elementary—Tuscaloosa City Board of Education	4,500
Stower's Hill Elementary School— Attalla City Board of Education	2,000
Stringer Elementary School—Dothan City Board of Education	1,000
Sumiton Elementary Middle School— Walker County Board of Education	2,941
Sumter County Board of Education	20,000
Sylacauga City Board of Education	100,000
T. R. Simmons Elementary School— Jasper City Board of Education	2,941
T. S. Boyd Elementary School—Walker County Board of Education	2,941
Talladega City Board of Education	45,000
Talladega County Board of Education	95,000
Tarrant City Board of Education	6,000
Tates Chapel Elementary School—Wilcox County Board of Education	500
Theodore A. Lawson State Community College	6,000
Tuscaloosa City Board of Education	25,000
Tuscaloosa County Board of Education	280,000
Valley Junior High School—Walker County Board of Education	2,941
Vestavia Hills City Board of Education	30,000
Vocational School Literacy Program— Wilcox County Board of Education	3,500
W. C. Davis Elementary School— Birmingham City Board of Education	2,000
W. J. Jones High School—Wilcox County Board of Education	500

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Walker Area Vocational School—Walker County Board of Education	2,941
Walker High School—Jasper City Board of Education	2,941
Walnut Park Elementary School—Gadsden City Board of Education	2,000
Webb Junior High School—Houston County Board of Education	1,000
West End Elementary School—Etowah County Board of Education	3,000
West End High School—Etowah County Board of Education	7,000
West Jasper Elementary School—Jasper City Board of Education	2,941
White Hall Elementary School— Lowndes County Board of Education	1,000
Wilcox County Board of Education	10,000
Wilcox County Consolidated School— Wilcox County Board of Education	5,000
Wilcox County High School— Wilcox County Board of Education	500
Wilcox County Vocational School/VICA Program— Wilcox County Board of Education	500
Wilcox Training School—Wilcox County Board of Education	500
Wilkerson Elementary School—Birmingham City Board of Education	5,000
William L. Radney School—Alexander City Board of Education	3,000
Wilson Elementary School—Dothan City Board of Education	1,000
Winfield City Board of Education	25,000
Woodlawn Community School—Birmingham City Board of Education	1,000
Woodlawn High School—Birmingham City Board of Education	32,000

Section 2. There is hereby appropriated the sum of one hundred thirty-three thousand five hundred dollars (\$133,500) from the Alabama Special Educational Trust Fund to the Alabama Public Library Service to be distributed to the following public libraries for the fiscal year ending September 30, 1989:

City of Alexander City Library	5,500
City of Dadeville Library	5,500

City of Gurley Public Library	6,500
City of Hartselle Public Library	6,000
City of New Hope Public Library	6,500
City of Scottsboro Public Library	6,500
City of Woodville Public Library	6,500
Carnegie Library—City of Eufaula	50,000
Chambers County Public Library	25,000
Ozark City Library	10,000
Horseshoe Bend Regional Library	5,500

Section 3. There is hereby appropriated the sum of three hundred ninety thousand dollars (\$390,000) from the Alabama Special Educational Trust Fund to the following public educational institutions for the fiscal year ending September 30, 1989:

Alabama State University	4,000
Auburn University	100,000
North Alabama Educational Opportunity Center—University of Alabama in Huntsville	35,000
University of Alabama at Birmingham— Special Services	25,000
University of Alabama in Huntsville Johnson Research Center	41,000
University of North Alabama	35,000
Educational Television—for scholastic competitions	50,000
University of Alabama at Birmingham	25,000
Troy State University System	75,000

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Flowers, Frazier, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett,

Harper, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 644. To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 644, said Senate amendment being as follows:

To amend the substitute for House Bill 644 on page 1, by deleting line 23 in its entirety and inserting in lieu thereof the following:

“eight hundred fifty-six thousand dollars (\$856,000) from the State”.

Further amend the substitute for House Bill 644 on page 2, line 10 by deleting the figure “6,000” and inserting in lieu thereof the figure “16,000”.

A BILL
TO BE ENTITLED
AN ACT

To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated the sum of eight hundred forty-six thousand dollars (\$846,000) from the State General Fund to the following county governments for the fiscal year ending September 30, 1989.

Hale County	\$ 3,000
Limestone County	\$100,000
Mobile County	\$230,000
Perry County	\$ 3,000
Barbour County	\$ 50,000
Jefferson County—For Flood Control	\$ 20,000
Jefferson County	\$ 70,000

Chambers County	\$ 25,000
Crenshaw County—For Industrial Development	\$ 50,000
Baldwin County	\$ 30,000
Montgomery County	\$ 20,000
Russell County—For Industrial Development	\$ 75,000
Marshall County	\$ 25,000
Houston County	\$ 75,000
Marion County	\$ 25,000
Tallapoosa County	\$ 10,000
Lowndes County	\$ 6,000
Wilcox County	\$ 8,500
Choctaw County	\$ 2,000
Greene County	\$ 2,000
Sumter County	\$ 1,500
Madison County	\$ 15,000

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Frazier, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harper, Higginbotham, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

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H. 645. To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 645, said Senate amendment being as follows:

To amend H. B. 645 on page 1 by deleting lines 25 and 26 in their entirety and inserting in lieu thereof the following:

"General Fund the sum of seven hundred fifty-one thousand five hundred dollars (\$751,500) to be distributed to the"

Further amend the bill on page 2, line 5 by deleting the figure "\$80,000" and inserting in lieu thereof the figure "\$120,000".

Further amend the bill on page 3 after line 11 by adding the following:

"Anniston	\$9,750
Opelika	\$2,500"

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Frazier, Fuller, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harper, Higginbotham, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 647. To make an appropriation for the support and maintenance of Valley Haven School for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 647, said Senate amendment being as follows:

Amend House Bill 647 on Page 1 by deleting lines 24 through 32 in their entirety and inserting in lieu thereof the following:

“Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.”

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Frazier, Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Harper, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 646. To make an appropriation for the support and maintenance of Flowers Special School for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 646, said Senate amendment being as follows:

Amend House Bill 646 on Page 1 by deleting lines 25 through 33 in their entirety and inserting in lieu thereof the following:

“Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.”

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 169. URGING ALL STATE, COUNTY AND MUNICIPAL OFFICIALS TO PROMOTE SMALL BUSINESS OWNERS AND OPERATORS FROM SOCIALLY AND ECONOMICALLY DISADVANTAGED AREAS VOLUNTARILY.

Also:

H. J. R. 199. URGING THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO SEEK THE ESTABLISHMENT OF A JOINT WATER RESOURCES COORDINATING COUNCIL WITH THE STATE OF FLORIDA.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RECESS

On motion of Rep. Warren, the House recessed until 1:00 o'clock p.m.

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 686. Relating to Perry County; authorizing the county commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage gasoline and motor fuel not to exceed three cents (\$.03) per gallon; providing for the collection and distribution of the tax; and providing for the enforcement of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Bryant, the House concurred in and adopted the Senate amendment to the bill, H. 686, said Senate amendment being as follows:

Amend H. B. 686, Page 6, line 17, by deleting the language which reads: ~~"Interest on overpayments shall be complete at the same annual rate".~~

further amend H. B. 686, Section 7, Page 5, line 29, by inserting immediately after the period and preceding the word "all", the following new language to read:

Provided, that said resolution must be submitted, received, and accepted by the State Department of Revenue at least two months prior to the effective date of the implementation of this tax as set up by the Perry County Commission.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clay, Curry, Flowers, Ford, Freeman, Fuller, Hall, Hammett, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Lindsey, Mathis, Mikell, Newton (C), Payne, Poole, Richardson, Sanderford, Venable, Walker, White (F), White (G) and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 673. Relating to Jackson County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of

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tobacco and certain tobacco products in the county, and providing for the collection, enforcement and distribution of the tax.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Richardson, the House concurred in and adopted the Senate amendment to the bill, H. 673, said Senate amendment being as follows:

Amend H. B. 673, Section 3, Page 3, line 9, by inserting immediately after the word county and preceding the period the following language to read:

levied under the provisions of this act

further amend H. B. 673, Section 3, Page 3, line 9, by inserting immediately after the period and preceding the word "The" the following language to read:

Provided that said resolution must be submitted, received, and accepted by the State Department of Revenue at least two months prior to the effective date of the collection and administration of such tax by the Department of Revenue as set by the Jackson County Commission.

further amend H. B. 673, Section 10, Page 4, line 26, by deleting the language immediately following the word "effective" which reads "~~on the first day of the third month~~" and inserting in place thereof the word immediately

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Butler, Campbell, Carothers, Clay, Colvin, Curry, Freeman, Gaston, Grayson, Hall, Headley, Higginbotham, Hill, Johnson (RG), Knight, Kvalheim, Lindsey, Marks, Mathis, Moon, Newman, Newton (C), Parker, Payne, Poole, Richardson, Sanderford, White (F) and White (G).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 633. Relating to Randolph County, prohibiting the county board of education from reacquiring certain property purchased by the Randolph

County Development Committee without the payment of fair and reasonable market value.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Laird, the House concurred in and adopted the Senate amendment to the bill, H. 633, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Randolph County, prohibiting the county board of education from reacquiring certain property purchased by the North Randolph County Development Association without the payment of fair and reasonable market value.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Randolph County, the county board of education is hereby prohibited from reacquiring the property described in Section 3 of this act which was purchased by the North Randolph County Development Association without repayment of the original purchase price of the property along with the costs of any and all improvements to said property.

Section 2. After a period of ten years the said Board of Education cannot reacquire the property without the payment of the fair and reasonable market value of the property or a price negotiated and agreed upon by the Randolph County School Board and the North Randolph County Development Association.

Section 3. The description of the property provided for in Section 1 of this act is as follows, to-wit:

Starting at the Southeast corner of the Southwest one-quarter of Section 13, thence North one degree west along the $\frac{1}{2}$ section line 100 feet to the point of beginning of the land to be conveyed, thence South eighty-nine degrees West 636.5 feet to the East margin of the Pinetuckey Road, thence North eleven degrees and thirty minutes East along the Pinetuckey Road 172 feet, thence North nineteen degrees and thirty minutes east along the East margin of the Pinetuckey Road 213 feet, thence North eighty-nine degrees East 526 feet to the $\frac{1}{2}$ section line, thence South one degree East 370.5 feet to the point of beginning containing 5.0 acres. The above tract of land being a part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, T-18, R-10. This description taken from the original deed which is recorded in Deed Book Volume 51, Page 363, Probate Judge, Randolph County, Alabama, December 9, 1946.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Brooks, Buskey (JE), Butler, Carothers, Carter, Colvin, Cosby, Curry, Escott, Ford, Freeman, Fuller, Gaston,

Grayson, Hall, Hammett, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Sanderford, Spratt, Venable, Walker, White (F), White (G), White (L), and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 149. Relating to Wilcox County, amending Section 1 of Act No. 642, H. 1110, 1978 Regular Session (Acts 1978, p. 905) which act established the Wilcox County Law Library Fund, so as to increase certain court costs to be paid to the said Law Library Fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Thomas, the House concurred in and adopted the Senate amendment to the bill, H. 149, said Senate amendment being as follows:

Amend H. B. 149 as follows:

On page 1, line 16, delete the period and add the following language:
and to the circuit clerk and the county general fund.

On page 1, line 30, place a period after the numerals \$6.00 and delete the remainder of the sentence on lines 30 and 31 and then delete the paragraph commencing on line 32 of page 1 and continuing on lines 1 and 2 of page 2 and insert in lieu thereof the following language:

Four dollars of such costs shall be designated as a Law Library fee and when collected by the clerks or other collecting officers of such courts shall be paid to the treasurer or depository of Wilcox County for the deposit in the county treasury in a separate account to be designated the Wilcox County Law Library Fund; \$1.50 shall be deposited in the county general fund; and \$.50 shall be paid to the circuit clerk."

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Clay, Colvin, Curry, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Hall, Hammett, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim,

Logan, Marks, Mathis, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Sanderford, Spratt, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 688. Relating to Perry County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in the county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Bryant, the House concurred in and adopted the Senate amendment to the bill, H. 688, said Senate amendment being as follows:

Amend H. B. 688, Section 2, Page 1, line 33, by deleting the language immediately after the word "Upon" which reads "~~adoption of a resolution~~" and inserting in place thereof the following language to read:

the passage of this act

further amend H. B. 688, Section 2, Page 2, line 15, by inserting the following new subsection (b), and relettering the remaining subsection accordingly.

It shall be the duty of the county commission of Perry County to enforce the provisions of this act. Upon its imposing the tax herein provided for, the Perry County Commission, its members or agents shall have the right to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is herein levied, and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, that upon resolution by the Perry County Commission, the state department of revenue is hereby authorized and directed to collect all such county tobacco taxes now or hereafter levied by said county under the provisions of this act, and further, said resolution must be received and accepted by the state department of revenue at least two months prior to the effective date of the collection and administration of said tax(es) by the department of revenue as set by the Perry County Commission.

further amend H. B. 688, Section 3, Page 2, line 34, by inserting immediately after the word "revenue" and preceding the word "shall" the following new language to read:

, if directed and authorized by the Perry County Commission to collect and administer the county privilege, license or excise taxes levied herein, for as long as directed by the county commission,"

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further amend H. B. 688, Section 3, Page 3, line 6, by inserting immediately after the period the following new language to read:

In the event the required stamps are not available for the purpose of affixing to tobacco product packages and containers, authority is hereby granted for the utilization of a monthly reporting system approved by the department of revenue, and adopted through the promulgation of administrative regulations by the department, as evidence of the taxes herein levied.

further amend H. B. 688, Section 4, Page 3, line 7, by inserting immediately after the word "revenue" and preceding the word "is" the following new language to read:

if directed and authorized by resolution of the Perry County Commission to collect and administer the county privilege, license, or excise tax herein levied, for as long as directed by the county commission,

further amend H. B. 688, Section 10, Page 4, line 5, by deleting the language immediately after the word "effective" and preceding the word "following" which reads "~~on the first day of the fourth month~~" and inserting in place thereof the word immediately

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Carter, Colvin, Cosby, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Hall, Hammett, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Sanderford, Spratt, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Rice, Foshee, Mitchem, Covington, Drinkard, Barron, and Hand:

S. J. R. 136. COMMENDING THE AUBURN UNIVERSITY LADY TIGERS ON THEIR OUTSTANDING ACCOMPLISHMENTS OF THE 1988-89 BASKETBALL SEASON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Laird, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 136, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hand:

S. J. R. 126. COMMENDING THE OCCIDENTAL CHEMICAL CORPORATION MOBILE PLANT AND EMPLOYEES ON 25 YEARS OF SUCCESSFUL OPERATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Penry, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 126, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Denton, deGraffenried, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), Smith (J), and Windom:

S. J. R. 130. COMMENDING ROBERT B. CRUMPTON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

By Senator Barron:

S. J. R. 131. DESIGNATING THE FYFFE, ALABAMA, AREA AS THE UFO CAPITAL OF ALABAMA.

Also:

By Senators Dial, deGraffenried, Barron, and Hand:

S. J. R. 132. COMMENDING RUSSELL ELDERED SUMMERLIN OF CLAY CO. ALABAMA, AND REQUESTING THAT HE BE PROMOTED BY THE GOVERNOR TO THE HONORARY RANK OF MAJOR GENERAL IN THE ALABAMA MILITIA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Walker, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 130, the title of which is set out in the above and foregoing Message from the Senate.

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On motion of Rep. Hall, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 131, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Laird, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 132, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 584. Relating to Lauderdale County; to amend Section 1 of Act No. 79-118, H. 382, 1979 Regular Session (Acts 1979, p. 149), so as to provide further for the compensation of election officials.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Hamilton, the House concurred in and adopted the Senate amendment to the bill, H. 584, said Senate amendment being as follows:

Amend H. B. 584, Section 1, Line 21, by striking after the word "receive" the following: ~~forty dollars (\$40.00)~~ and inserting in lieu thereof the following: "fifty dollars (\$50.00)"

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Box, Breedlove, Brooks, Bryant, Bugg, Carter, Clark (W), Clay, Colvin, Cosby, Escott, Ford, Freeman, Fuller, Gaston, Grayson, Hall, Hamilton, Hammett, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kvalheim, Marks, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Sanderford, Spratt, Thomas, Turnham, Venable, Walker, White (F), White (L) and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Amari:

S. 557. To amend Section 11-41-1 of the Code of Alabama 1975, relating to incorporation of a municipality, so as to provide further for such incorporation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 557. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bennett (With Notice and Proof):

S. 366. To authorize the Jefferson County Board of Health to adopt, and the Jefferson County Health Department to enforce, reasonable rules and regulations concerning the operation of boarding and rooming homes in Jefferson County not licensed or regulated by the Alabama State Board of Health, which are operated on a weekly or longer basis for the care of persons who are unrelated to the owners or operators thereof; to authorize said County Board of Health to include in such regulations such provisions as it may deem necessary to safeguard the health and safety, and to prevent financial and physical abuse of persons served; to establish permit and inspection fees with respect to the enforcement of such regulations; to make the power and authority granted cumulative; to make the provisions of the act severable; to supersede all laws in conflict therewith to the extent of such conflict; and to establish an effective date of the Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 366, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 379. To allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, and acting pursuant to the authority granted by Act No. 105 of the 1971 Third Special Session of the Alabama Legislature, to authorize independent contractors to abate public nuisances caused by noxious or dangerous weeds without complying with the competitive bid law.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 379, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 381. Relating to Jefferson County; to further amend Section 18 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature

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of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the number of eligibles to be certified to the appointing authority when one or more vacancy in the position of firefighter or police officer is to be filled, and to provide for related matters.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 381, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 383. To authorize the Board of Managers of the city of Birmingham Retirement and Relief System to consider the application of certain named individuals to purchase prior service time and to allow such purchase if, in the judgment of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 383, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 366. Local Legislation No. 2.

S. 379. Local Legislation No. 2.

S. 381. Local Legislation No. 2.

S. 383. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial:

S. 127. To amend section 32-6-272, Code of Alabama 1975, relating to the issuance of license plates to fire fighters, so as to authorize the issuance of said plates at reduced cost to the recipient.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 127. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Foshee:

S. 480. Relating to competitive bidding on public contracts and public works; amending further section 41-16-57, Code of Alabama 1975, relating to preference being given to Alabama commodities or firms, so as to proscribe specifying the use of materials or systems by a sole source except in certain instances; amending further sections 41-16-51 and 39-2-1, Code of Alabama 1975, providing that contracts entered into in violation of certain statutes shall be void, so as to provide that certain violations will be Class C felonies.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 480. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hilliard (With Notice and Proof):

S. 561. To amend Section 11-47-14.1 of the Code of Alabama 1975, relating to the construction of port facilities by Class 1 municipalities so as to further regulate the power of the Authority to issue bonds.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 561, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 561. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bailey, Drinkard, Dial, Denton, Preuitt, Bedford, Mitchem, Hale, Bennett, Covington, Hand, Cabaniss, Foshee, Rice, Goodwin, Smith (J), Parsons, and Amari:

S. 116. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute sexually deviant material and to non-consenting adults obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material to non-consenting adults; to define and prohibit the distribution to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all sexually deviant material, obscene material disseminated publicly to a non-consenting adult, and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this Act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this Act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this Act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 116. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ellis:

S. 186. To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property;

to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants

by counties so as to provide for the pledge of assessments for the benefit of such warrants; to provide for severability of the provisions of this Act and for the repeal of inconsistent laws; and to establish the effective date of this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 186. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Covington:

S. 286. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 286. Oil and Gas.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Hilliard (With Notice and Proof):

S. 380. Relating to Jefferson County; to further amend Sections 18 and 20 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil

service system; to provide for the certification of five names to fill vacancies in positions other than department head or entry-level police or firefighter positions at the option of the appointing authority, and to provide for related matters.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 380, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 380. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senators Dixon and Cabaniss (With Notice and Proof):

S. 544. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 544, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 560. To amend Act No. 87-793, H. 648 of the 1987 Regular Session (Acts of 1987, p. 1553), relating to the Jefferson County Flood Control Authority, so as to further regulate the power of the Authority to issue bonds.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 560, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 384. To amend Article VI, Section 8 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability

benefits of the City of Birmingham retirement and relief system, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job have been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the board of managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 384, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 385. To provide that any Class I city of the state shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 385, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senators Cabaniss, Bennett, and Horn (With Notice and Proof):

S. 479. Relating to Jefferson County; to amend Act No. 497, H. 1057, 1965 Regular Session, as amended, relating to a pension system for officers and employees of the county so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 479, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 544. Local Legislation No. 2.
- S. 560. Local Legislation No. 2.
- S. 384. Local Legislation No. 2.
- S. 385. Local Legislation No. 2.
- S. 479. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ellis:

S. 58. To propose an amendment to the Constitution to provide that no bond, warrant or any other obligation of any county shall be considered a bond for the purposes of Section 222 of the Constitution of Alabama of 1901, as amended, nor shall any bond, warrant or any other obligation of any county be included in the indebtedness of such county within the meaning of any provision of Section 224 of the Constitution of Alabama of 1901, as amended, if any such bond, warrant or other obligation is issued to provide, improve or repair any public facilities or improvements (including, without limitation, roads, streets, sidewalks, sanitary sewers, storm water sewers, sewage treatment facilities, flood control facilities, seawalls, and lighting systems) specially benefiting, to any degree, one or more tracts or parcels of property if the cost of such public facilities or improvements is to be assessed, in whole or in part, against such property.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 58, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Barron (With Notice and Proof):

S. 509. Relating to Dekalb County; authorizing and providing for the incorporation of the Dekalb County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which

funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the DeKalb County Water Authority; permitting and authorizing merger of existing water systems or authorities with DeKalb County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 509, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Dial (With Notice and Proof):

S. 570. Relating to Clay County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 570, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Drinkard (With Notice and Proof):

S. 574. Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 574, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Dial (With Notice and Proof):

S. 601. Relating to Cleburne County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 601, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Sanders (With Notice and Proof):

S. 604. To provide that the local governing bodies in Lowndes County and the Lowndes County governing body shall have certain mandatory authority and participation in solid waste collection and disposal programs; to provide for the authority of said local governing bodies to adopt by resolutions and ordinances reasonable rules and regulations relating to such participation; to provide for certain public nuisance violations and fines; to

provide for certain assessments and procedures, all relating to solid waste collection and disposal facilities; to provide for fees and assessments, and fines for violations; to provide for hearings of aggrieved parties and fines.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 604, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 509. Local Legislation No. 1.
- S. 570. Local Legislation No. 1.
- S. 574. Local Legislation No. 1.
- S. 601. Local Legislation No. 1.
- S. 604. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 336. To create the Alabama Community Service Grant Program, from which the program objectives of state agencies shall be advanced by the awarding of grant funds by designated state agencies to qualifying community agencies, organizations, institutions and projects within the State of Alabama; to provide that such grant funds shall be appropriated by the Legislature to state departments and agencies; to establish criteria by which such grants shall be awarded; to establish the authority and responsibilities of the heads of grant-making agencies; to provide for an effective date; and to repeal conflicting laws.

Also:

S. 453. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

Also:

S. 454. To reduce the appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs by \$400,000 for the fiscal year ending September 30, 1989.

Also:

S. 455. To reduce the appropriation from the State General Fund to the Department of Environmental Management by \$150,000 for the fiscal year ending September 30, 1989.

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Also:

S. 456. To reduce the appropriation from the State General Fund to the Highway Department by \$140,000 for the fiscal year ending September 30, 1989.

Also:

S. 457. To reduce the appropriation from the State General Fund to the Bureau of Tourism and Travel by \$126,000 for the fiscal year ending September 30, 1989.

Also:

S. 458. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama State Council on the Arts and Humanities by \$500,000 for the fiscal year ending September 30, 1989.

Also:

S. 459. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$635,881 for the fiscal year ending September 30, 1989.

Also:

S. 460. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$635,880 for the fiscal year ending September 30, 1989.

Also:

S. 461. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for the fiscal year ending September 30, 1989.

Also:

S. 462. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Local Boards—Financial Assistance Program by \$2,156,937 for the fiscal year ending September 30, 1989.

Also:

S. 463. To reduce the appropriation from the State General Fund to the Department of Conservation and Natural Resources by \$500,000 for the fiscal year ending September 30, 1989.

Also:

S. 464. To reduce the appropriation from the State General Fund to the Alabama Development Office by \$300,000 for the fiscal year ending September 30, 1989.

Also:

S. 523. To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Also:

S. 524. To make a supplemental appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1989.

Also:

S. 525. To make a supplemental appropriation from the State General Fund to the Alabama Department of Environmental Management for the fiscal year ending September 30, 1989.

Also:

S. 526. To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 981. To amend Chapter 18, Title 40, Code of Alabama 1975, to correct clerical errors in citations to the United States Code, to provide ~~increase~~ conformity with the current federal Internal Revenue Code by amending sections 40-1-44, 40-18-1, 40-18-1.1, 40-18-6, 40-18-8, 40-18-11, 40-18-13, 40-18-14, 40-18-15, ~~40-18-30~~, 40-18-35, and 40-18-44, and to allow a limited deduction for certain child care expenses.

H. 982. To amend Chapter 18, Title 40, Code of Alabama 1975, to provide conformity with the current federal Internal Revenue Code by amending sections 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170, by adding new sections 40-18-174 and 40-18-175, altering the income tax treatment of resident Alabama S corporation shareholders to more closely conform to partnership income tax rules, and allowing the filing of composite tax returns on behalf of nonresident shareholders.

H. 985. To Amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances.

H. 989. To amend Act No. 88-872 of the 1988 First Special Session to impose a prevailing rate fee on hazardous waste generated outside the State of Alabama.

H. 757. To exempt the Alliance for the Mentally Ill of Huntsville from the payment of all state, county and municipal taxes.

H. 544. To provide for a minimum salary for certain probate judges.

H. 566. To authorize and provide the procedure for employees of certain counties, cities and towns to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

H. 950. To amend Act 88-824, so as to extend amnesty for payment of ad valorem taxes on tangible personal property by revising the date for filing, assessment, and payment of taxes to June 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 28. (With Amendment): To create an additional judgeship for the fifteenth judicial circuit in Alabama; to provide for the election of such judge and to designate that such additional judge shall serve as a judge of the family relations division of the circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, as amended, so as to provide for such judge.

H. 836. (With Amendment): To make further provision for the financing and construction of public roads and bridges in the State by the issuance of bonds by the Alabama Highway Authority; to authorize the Authority to sell and issue from time to time not exceeding \$200,000,000 aggregate principal amount of Highway Revenue Bonds in addition to those heretofore authorized to be issued by the Authority; to authorize the Authority to issue and sell refunding bonds to refund bonds at any time issued by the Authority and at the time outstanding; to provide for the details and the method of execution of the said bonds; to provide that the Authority shall determine the manner, terms and conditions of the sale or sales of the bonds, and to make provisions respecting such sale or sales and the permitted uses, applications and investments of the proceeds from the sale or sales thereof; to provide for the establishment, from such proceeds, of certain funds and for the use of such funds and any investment earnings thereon; to provide that bonds issued under this Act shall not create an obligation or debt of the State and shall be limited obligations payable solely out of the revenues of the Authority pledged therefor in this Act; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide a mechanism for defeasance of said bonds; to appropriate and pledge funds necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the Authority to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys pledged in this Act for such purpose; to preserve prior pledges and covenants by the State; to adopt certain provisions of the act of the Legislature creating the Authority; to provide for a covenant of the Legislature not to reduce below certain levels appropriated and pledged taxes and fees while any of said bonds are outstanding and unpaid; to authorize the State Treasurer to disburse moneys pledged for payment of said bonds; to provide that if any portion of this

Act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

H. 675. (With Amendment): To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions which provide funding for the driver education and training fund and the Alabama Traffic Safety Center Fund, so as to increase the penalty and to provide further for the expenditures of funds.

H. 773. (With Amendment): To amend §32-6-291, Code of Alabama 1975, to provide guidance for the design of the distinctive motor vehicle license plate or tag authorized to nondisability retirees of the United States Armed Forces as provided for in §32-6-290 and to establish an effective date of issuance for such license plates or tags.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 826. (With Substitute): To provide for a reopening of the Teachers' Retirement System of Alabama to those members who prior to the effective date of this act have previous employment with a school operated by the Department of Defense of the United States of America. To further provide for the calculation of the cost for purchasing credit for such service and to provide for the termination of this act.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 874. To exempt the "Garden Clubs of Alabama, Inc." and each local chapter thereof, from the payment of all state, county and municipal sales and use taxes.

H. 946. To amend Section 16-33-4 of the Code of Alabama 1975, relating to benefits for dependents of blind parents, so as to provide further for such benefits.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 901. (With Substitute): To amend Sections 28-3-43 and 28-8-8, Code of Alabama 1975, relating to the sale of table wines by the Alcoholic Beverage Control Board, so as to eliminate such sales.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 820. (With Amendment): To exempt the Delta Theta Lambda Chapter of the Alpha Phi Alpha Fraternity, Inc. from the payment of all state, county and municipal sales and use taxes.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and

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ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 117. To amend Section 29-2-41 of the Code of Alabama 1975, relating to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for such committee.

S. 255. Providing that any elected assistant district attorney shall be for the purposes of Title 12, Chapter 17, Article 6 of the Code of Alabama 1975, considered a district attorney.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 988. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to submit said plan to the Legislature not later than the fifth legislative day of the 1991 regular session; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act, except for those facilities which accept or propose to accept solid waste generated solely in the State of Alabama and counties which are contiguous to the State of Alabama.

H. 6. To propose an amendment to the Constitution providing that regular sessions in all odd-numbered years shall be limited to subjects pertaining to local legislation, matters of the budgets and certain other legislation, to provide for the subject matter for regular sessions during even-numbered years and to allow certain exceptions; to set the duration of said sessions, and the implementation date.

The above bill was read a second time at length as required by the Constitution.

S. 64. To provide further for the revision of eminent domain laws of this state by amending sections 18-1A-24, 18-1A-30, 18-1A-70, 18-1A-74, 18-1A-110, 18-1A-194, 18-1A-211, and 18-1A-276 of the Code of Alabama 1975 to make clarifying amendments to the sections.

H. 806. To amend Section 11-18-3, Code of Alabama 1975, relating to the appointment of a board of trustees for the acquisition and maintenance of lands and property for public use, so as to provide that the governing body of any municipality located on an island shall appoint additional members to such board of trustees.

H. 1. Relating to the Public Service Commission; to amend Section 37-3-4 of the Code of Alabama 1975, so as to exempt motor vehicles which move or transport mobile homes from the requirement of certification by the Public Service Commission.

H. 41. To amend section 33-5-24, Code of Alabama 1975, relating to the operation of vessels, so as to provide that no person shall operate any vessel on the waters of this state under the influence of any controlled substances or alcohol; to provide for the administering of chemical tests; and to provide further for penalties for violations.

H. 507. To amend Section 12-15-6, Code of Alabama 1975, so as to specifically provide that a juvenile court judge may direct the juvenile court

referee to perform certain administrative duties and acts in the temporary absence of the juvenile court judge or at any time that the judge determines such action to be necessary to the efficient operation of the court and to provide an effective date.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 98. (With Amendment): To provide that no person shall abandon or fail to provide adequate support to his spouse, child, parents or certain other persons; to prescribe certain affirmative defenses; to prescribe penalties for persons who violate the provisions of this act, and to repeal certain conflicting law.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 537. To amend section 13A-12-231, Code of Alabama 1975, so as to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by said section and to provide for distribution of criminal fines.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 752. (With Amendment): To provide for suspending the driving privilege of those persons driving with an excessive concentration of alcohol in their bodies; to provide an opportunity for administrative review prior to the effective date of the suspension, and for an opportunity for a full hearing after the suspension becomes effective; and to provide for administrative and judicial review.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 651. (With Amendments): To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama, 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age five.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 945. To establish a procedure whereby a Class 5 municipality may adopt a mayor-council form of government; to provide for the election of a mayor and council members, the method of establishing salaries, certain duties and responsibilities; and to provide for the continuation of laws applicable to said cities.

H. 879. To amend Section 11-42-100.1, Code of Alabama 1975, which provides for the procedure of consolidating contiguous municipalities, so as to alter the number of voters signing the petition calling for a referendum on the question of consolidation.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 932. (With Substitute): To amend further section 40-17-224, Code of Alabama 1975, relating to the use of proceeds from an additional excise tax levied on gasoline, motor fuel and lubricating oil, so as to provide further for the use of such proceeds.

Rep. Walker, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 891. To amend Section 37-3-4, Code of Alabama 1975, by adding motor carriers who transport property in open top dump vehicles to the exemptions from regulation by the Alabama Public Service Commission contained therein, except for insurance and safety regulation.

Rep. Williams, Chairman of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 926. (With Amendment): To further regulate pari-mutuel wagering in the State of Alabama, so as to establish residency requirements for any person, corporation, partnership, association or other legal entity which owns or operates a pari-mutuel wagering facility; requiring that such person be a resident of the State of Alabama for 5 years or longer and that not less than 55 percent of the ownership, voting rights or control in any corporation, partnership, association or other legal entity be owned, directly or indirectly, by persons meeting such residency requirements and to repeal all conflicting laws.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 506. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

The above bill was read a second time at length as required by the Constitution.

S. 569. Relating to Chambers County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

S. 577. Relating to Cherokee County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

H. 902. Relating to Russell County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

H. 906. Relating to Morgan County; providing for an additional expense allowance for the court reporter of the Eighth Judicial Circuit.

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for a retroactive effective.

H. 925. Relating to Cleburne County; to provide that, as long as the probate judge sells automobile and motor vehicle licenses, he shall be paid on a pro-rata basis out of the ad valorem tax proceeds collected each year into the county general fund, effective October 1, 1989; and to create a special account in the general fund for such taxes collected.

H. 927. Relating to Lowndes County, amending Act No. 166, H. 137, 1961 Regular Session, which levies a sales tax, so as to provide further for the distribution of the tax.

H. 928. Relating to Lowndes County; to amend Section 12 of Act No. 87-620, H. 1088 of the 1987 Regular Session (Acts 1987, p. 1097) as amended, which levies an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes thereof so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

H. 930. Relating to Lowndes County; to grant the county commission certain power relating to levying or increasing county business or privilege licenses.

H. 934. Proposing an amendment to the Constitution of Alabama of 1901, relating to additional ad valorem taxes in Choctaw County.

The above bill was read a second time at length as required by the Constitution.

H. 970. Relating to Washington County, providing further for the compensation of the district judge.

H. 929. Relating to Lowndes County; to amend Section 6 of Act No. 87-523, H. 1090 of the 1987 Regular Session (Acts 1987, p. 791) which levies a county privilege, license or excise tax on tobacco and certain tobacco products so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

H. 972. Relating to the City of Centre in Cherokee County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for cumulative voting for council members; providing for the elimination of run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

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H. 973. Relating to Cherokee County; to authorize a local citation fee for license inspector citations personally served by the license inspector, and to provide for the distribution of said fee.

H. 978. Relating to redeeming lands for taxes in Coffee County, Alabama.

H. 979. Relating to collection and distribution of casual sales and use taxes in Coffee County, Alabama.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 980. (With Amendment): Relating to Coffee County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the Revenue Commissioner to the Probate Judge requiring an additional bond of the Probate Judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

Rep. Marietta, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 494. Relating to the City of Mobile, to amend Act No. 651, H. 377, 1975 Regular Session, as amended, which provides for a retirement system for elected officials, so as to provide further for eligibility of benefits.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 865. (With Amendment): Relating to Crenshaw County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 931. Relating to Calhoun County, Alabama, to allow, in addition to the uses now otherwise allowed, the use of funds collected or obtained pursuant to the provisions of Title 11, Subtitle 3, Chapter 98, Code of Alabama 1975, by communications districts in said county, for the purchasing of road and street signs necessary for roads and streets which are renamed in order to establish E 911 service; due to the local needs of Calhoun County not having been otherwise provided for by other legislation.

H. 958. Relating to Chambers County; providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

H. 959. Relating to Chambers County, authorizing the county commission to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow it to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county, and authorizing the county commission to promulgate all necessary or appropriate rules and regulations for the implementation and enforcement of this act.

H. 960. To levy and impose on lessors or renters of tangible personal property in Chambers County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property to be deposited into the general fund of the county treasury for the use of Chambers County.

H. 961. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

H. 974. Relating to Autauga County; to create a license issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the tax assessor and tax collector to said probate office.

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

H. 939. Relating to Lee County; to create the Lee County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Lee County; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions for such zoning regulations and for appeals from the decisions of the commission.

H. 965. Relating to Lee County; providing that the Lee County Commission shall be authorized to levy sales and use taxes outside the corporate limits of the Cities of Auburn and Opelika generally paralleling the state sales and use taxes but limited in amount as set out herein, with the same exemptions and exclusions; providing for the collection of such tax by the State Department of Revenue; providing for the distribution and use of the proceeds; and repealing Act No. 88-400, H. 886, 1988 Regular Session.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Headley, the Budget Isolation Resolution and the bill, H. 811, were carried over to the twentieth legislative day.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Flowers, Budget Isolation Resolution relating to S. B. 451, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Carothers, Clay, Colvin, Crow, Curry, Drake, Escott, Gaston, Goodwin, Grayson, Higginbotham, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Richardson, Rogers, Spratt, Starkey, White (G), White (L), Willis and Wright.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 451. Relating to Pike County, to authorize the county board of health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Was read a third time at length and passed.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Brooks, Burke, Butler, Carothers, Clay, Colvin, Crow, Drake, Freeman, Grayson, Hall, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Payne, Petelos, Poole, Richardson, Rogers, Sanderford, White (G), Willis and Wright.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bowling, Budget Isolation Resolution relating to S. B. 472, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Brooks, Butler, Clay, Colvin, Crow, Curry, Drake, Freeman, Gaston, Goodwin, Grayson, Hall, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Starkey, White (G), White (L) and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 472. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

Was read a third time at length and passed.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Bowling, Box, Breedlove, Brooks, Bryant, Butler, Clay, Colvin, Crow, Curry, Drake, Freeman, Gaston, Goodwin, Grayson, Hall, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (C), Parker, Poole, Richardson, Sanderford, Starkey, White (G), White (L) and Willis.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Drake, Budget Isolation Resolution relating to H. B. 717, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Carothers, Clay, Colvin, Crow, Curry, Drake, Escott, Freeman,

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Gaston, Goodwin, Grayson, Hall, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, White (G), White (L) and Willis.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 717. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Brooks, Butler, Carothers, Clay, Colvin, Crow, Curry, Drake, Escott, Flowers, Gaston, Goodwin, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Willis and Wright.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Drake, Budget Isolation Resolution relating to H. B. 807, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carter, Clark (W), Colvin, Curry, Drake, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Higginbotham, Holley, Johnson (RW), Kennedy, Knight, Logan, Marks, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Richardson, Sanderford, Spratt, Starkey and White (G).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 807. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Campbell, Carter, Colvin, Curry, Drake, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Higginbotham, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, McClain, Moon, Newman, Payne, Penry, Richardson, Sanderford, Starkey, White (G) and White (L).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Drake, Budget Isolation Resolution relating to H. B. 808, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Curry, Drake, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Higginbotham, Hogan, Holley, Johnson (RW), Kennedy, Knight, Lindsey, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Richardson, Sanderford, Spratt, Starkey, White (G), White (L) and Willis.

—54

And the bill:

H. 808. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent

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of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Curry, Drake, Flowers, Gaston, Goodwin, Harper, Higginbotham, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Richardson, Sanderford, Spratt, Starkey, White (G) and White (L).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (C), Budget Isolation Resolution relating to H. B. 812, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Drake, Flowers, Ford, Gaston, Goodwin, Harper, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Rains, Spratt, Starkey, White (F), White (G), White (L) and Willis.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 812. Relating to Crenshaw County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Drake, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, White (G), White (L) and Willis.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Flowers, Budget Isolation Resolution relating to H. B. 923, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Campbell, Carothers, Clark (W), Clay, Colvin, Curry, Flowers, Freeman, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Sanderford, Spratt, Starkey and White (L).

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 923. Relating to Pike County; authorizing the Pike County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; and expressing legislative intent regarding said contracts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W),

Clay, Colvin, Curry, Drake, Ford, Gaston, Grayson, Harvey, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Turnham, White (L) and Wright.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to H. B. 941, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clark (W), Clay, Colvin, Curry, Drake, Ford, Gaston, Goodwin, Grayson, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Sanderford, Starkey and Wright.

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And the bill:

H. 941. Relating to Clay County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Clay County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Drake, Escott, Ford, Gaston, Goodwin, Grayson, Hamilton, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Payne, Penry, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, White (L), Willis and Wright.

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BUDGET ISOLATION RESOLUTIONS TEMPORARILY CARRIED OVER

On motion of Rep. Britnell, the Budget Isolation Resolution and the bill, H. 947, were temporarily carried over.

On motion of Rep. Britnell, the Budget Isolation Resolution and the bill, H. 949, were temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Lindsey, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 342.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to H. B. 342, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clay, Colvin, Curry, Drake, Escott, Ford, Freeman, Goodwin, Grouby, Hall, Hamilton, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, White (G), White (L), Willis and Wright.

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And the bill:

H. 342. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

Was taken up.

SUBSTITUTE OFFERED

Rep. Lindsey offered the following substitute to the bill, H. 342:

A BILL TO BE ENTITLED AN ACT

To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining

to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-89-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"§11-89-1. Definitions.

"When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) APPLICANT. A natural person who files a written application with the governing body of any county or municipality or public corporation in accordance with the provisions of section 11-89-3.

"(2) AUTHORIZING RESOLUTION. A resolution, adopted by a the governing body of any county or municipality in accordance with the provisions of section 11-89-3, that authorizes the incorporation of a district.

"(3) AUTHORIZING SUBDIVISION. Any county or municipality or public corporation the governing body of which shall have adopted an authorizing resolution.

"(4) BOARD. The board of directors of a district.

"(5) BONDS. Bonds, notes and certificates representing an obligation to pay money.

"(6) CONCISE LEGAL DESCRIPTION. A reasonably concise description of a particular geographic area which may be by metes and bounds or by reference to government surveys, recorded maps and plats, municipal, county or state boundary lines, well-defined landmarks and other monuments, or any combination of the foregoing.

"(7) COUNTY. Any county in the state.

"(8) DIRECTOR. A member of the board of directors of the district.

"(9) DISTRICT. A public corporation organized pursuant to the provisions of this chapter.

"(10) FIRE PROTECTION FACILITY. Land, plants, systems, facilities, buildings, fire engines, fire hydrants, ladders, equipment, hoses, alarm apparatus, chemicals, uniforms, supplies or any combination of any thereof

used or useful or capable of future use in furnishing fire protection service and all other property deemed necessary or desirable by the district for use in furnishing fire protection service.

“(11) FIRE PROTECTION SERVICE. All services involved in protecting property and life from fires, including, but not limited to, discovering, ascertaining, extinguishing, preventing the spread of or fighting fires or inspecting property for fire hazards or any part or combination thereof. The supplying of water for use in the rendition of fire protection service shall be deemed to constitute fire protection service.

“(12) GOVERNING BODY. With respect to a county, its county commission, and, with respect to a municipality, its city or town council, board of commissioners or other like governing body and, with respect to a public corporation, its board of directors.

“(13) INCORPORATORS. The persons forming a public corporation organized pursuant to the provisions of this chapter.

“(14) MUNICIPALITY. An incorporated city or town of the state.

“(15) NEW TERRITORY. Any territory added, by amendment to the certificate of incorporation of a district, to the area or areas in which that district is authorized to render water service, fire protection service, sewer service or any thereof.

“(16) PERSON. Unless limited to a natural person by the context in which it is used, such term includes a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

“(17) PRINCIPAL OFFICE. The place at which the certificate of incorporation and amendments thereto, the bylaws and the minutes of proceedings of the board of a district are kept.

“(18) PROPERTY. Real and personal property and interests therein.

“(19) PUBLIC CORPORATION. Any public corporation organized under the laws of the state.

“(1920) PUBLIC FIRE PROTECTION FACILITY. A fire protection facility which is owned or operated by the United States of America, the state, a county, a municipality, a public corporation ~~organized under the laws of the state~~, any combination of any thereof or any agency or instrumentality of any one or more thereof or in which any one or more thereof holds a reversionary or remainder interest.

“(201) PUBLIC SEWER SYSTEM. A sewer system which is owned or operated by the United States of America, the state, a county, a municipality, a public corporation ~~organized under the laws of the state~~, any combination of any thereof or any agency or instrumentality of any one or more thereof or in which any one or more thereof holds a reversionary or remainder interest.

“(212) PUBLIC WATER SYSTEM. A water system which is owned or operated by the United States of America, the state, a county, a municipality, a public corporation organized under the laws of the state, any combination of any thereof or any agency or instrumentality of any one or more thereof

or in which any one or more thereof or any agency or instrumentality of any one or more thereof holds a reversionary or remainder interest.

“(223) SERVICE AREA. The geographic area or areas in which a district is authorized by its certificate of incorporation or any amendment thereto to render water service, fire protection service, sewer service or any thereof, which area may include both territory located outside the boundaries of any municipality and territory located within the boundaries of one or more municipalities.

“(234) SEWER SERVICE. All services involved in collecting, transporting, treating and disposing of sanitary sewage or solid wastes and the performing of all functions and activities reasonably incident to the operation of a sewer system.

“(245) SEWER SYSTEM. A sanitary sewer system, including mains, laterals, sewage disposal plants and sewage treatment plants and all appurtenances to such a system and all properties, rights, easements and franchises deemed necessary or desirable by the district for use in rendering sewer services. “Sewer system” shall also mean and include land, sanitary landfills, systems, facilities, buildings, trucks, compactors, automobiles, motor vehicles, equipment, incinerators, compost plants, chemicals, uniforms, supplies, offices and office equipment, and any combination of any thereof, and such other real or personal property, rights, easements and franchises as may be deemed necessary or desirable by the district for the collection, transportation, treatment, storage or disposal of solid wastes.

“(256) SOLID WASTES. All solid wastes and hazardous wastes as the same are defined in article 1 of chapter 27 of Title 22 of this Code.

“(267) STATE. The state of Alabama.

“(28) SUPPLY DISTRICT. A district which renders sewer service or water service only to one or more counties, municipalities or other public corporations, or to one or more customers of a county, municipality or public corporation at its written request.

“(279) WATER SERVICE. The providing, furnishing, supplying or distributing of water and the performing of all of the functions and activities reasonably incident to the operation of a water system.

“(2830) WATER SYSTEMS. Land, plants, systems, facilities, buildings and other property or any combination of any thereof which are used or useful or capable of future use in providing, furnishing, supplying or distributing water, including, but not limited to, water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, meters, valves and all necessary appurtenances and equipment and all properties, rights, easements and franchises deemed necessary or desirable by the district for use in rendering water service.”

Section 2. Section 11-89-3 of the Code of Alabama 1975 is hereby amended to read as follows:

“§11-89-3. Filing of application for incorporation of district; adoption of resolutions approving or denying application, etc., by ~~county and municipal~~ governing bodies.

“(a) In order to incorporate a district under this chapter, any number of natural persons, not less than three, shall first file an identical written

application with the governing body of each county and municipality located in whole or in part within the boundaries of the area or areas to be served by the proposed district, or, if the district is to be a supply district, with the governing body of each county, municipality and public corporation to be served by the proposed district. Such application shall contain:

“(1) A statement that the district proposes to render water service, sewer service and fire protection service or any one or more there;

“(2) (i) A concise legal description of the area or areas in which the district proposes to render water service, sewer service and fire protection service or any thereof, a designation of the type or types of service proposed to be rendered in such area or in each of such areas and the name of each county and municipality located in whole or in part within the boundaries of such area or areas, or, (ii) if the district is to be a supply district, the name of each county, municipality and public corporation proposed to be served;

“(3) A proposed total number of directors, which shall be at least equal to the total number of counties and municipalities and public corporation with the governing bodies of which such application is filed, but in no event less than ~~three, five,~~ and proposed provisions for the election of each director by one of such governing bodies and for the election of at least one director by each of said governing bodies; and, if the district will be a supply district, any proposal to give the directors proportional voting power based upon the quantity of water to be taken or paid for by the entities which will elect the directors, the percentage of indebtedness of the district for which the entities electing the directors will be guarantors, or any other measure for establishing proportional voting power of directors;

“(4) The proposed location of the principal office of the district, which shall be within a county with the governing body of which such application is filed or within a county which is served in whole or in part by a public corporation with the governing body of which such application is filed;

“(5) A statement that each of the applicants is a duly qualified elector of the county or one of the counties with the governing bodies of which such application is filed or a county which is served in whole or in part by a public corporation with the governing body of which such application is filed; and

“(6) A request that each of such governing bodies adopt a resolution declaring that it is wise, expedient and necessary that the proposed district be formed and authorizing the applicants to proceed to form the proposed district by the filing for record of a certificate of incorporation in accordance with the provisions of section 11-89-4.

“Such application may also state a proposed plan for apportioning the properties of the district upon its dissolution among the public entities ~~counties and municipalities~~ with the governing bodies of which such application is filed. ~~Any~~ The proposed service area described in any such application shall lie wholly within the boundaries of the county or counties with the governing bodies of which the application is filed and no part of any said proposed described service area shall lie within the boundaries of any municipality with the governing body of which the application is not filed. Every such application shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate.

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“(b) As promptly as may be practicable after the filing of the application in accordance with the provisions of subsection (a) of this section, each governing body with which the application was filed shall review the contents of the application, and shall adopt a resolution either denying the application or declaring that it is wise, expedient, and necessary that the proposed district be formed and authorizing the applicants to proceed to form the proposed district by the filing for record of a certificate of incorporation in accordance with the provisions of section 11-89-4. Each governing body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of, the minutes of the meeting of such governing body at which final action upon said application is taken.”

Section 3. Section 11-89-4 of the Code of Alabama 1975 is hereby amended to read as follows:

“§11-89-4. Filing of certificate of incorporation, copies of resolutions of ~~county and municipal~~ governing bodies, etc., with probate judge; contents and execution of certificate of incorporation; notification of secretary of state of recordation of certificate of incorporation by probate judge.

“(a) Within 40 days following the adoption of an authorizing resolution or, in the event an application was filed with ~~more than one the governing body bodies of more than one county or a combination of one or more counties and municipalities~~, within 40 days following the adoption of an authorizing resolution by that governing body that was the last to adopt an authorizing resolution, but if and only each other the governing body of ~~each other county and municipality~~ with whom such application was filed has theretofore adopted an authorizing resolution, the applicants shall proceed to incorporate a district by filing for record in the office of the judge of probate of the county in which the principal office of the district is to be located, as specified in the certificate of incorporation provided for in this section, a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner provided in this section; provided, that any district incorporated prior to November 14, 1975, and which, according to the provisions of its certificate of incorporation, is authorized to render sewer service and own and operate a sewer system, shall be authorized to own and operate a solid waste collection and disposal system in the service area in which it is authorized to render sewer service and own and operate a sewer system, without any further action or authorization and without amending its certificate of incorporation, and without changing its name to indicate the additional service it is authorized to render.

“(b) The certificate of incorporation of the district shall state:

“(1) The names of the persons forming the district and that each of them is a duly qualified elector of an authorizing subdivision or of a county which is served in whole or in part by an authorizing subdivision;

“(2) The period for the duration of the district (if the duration is to be perpetual, subject to the provisions of section 11-89-17, that fact shall be stated);

“(3) The name of each authorizing subdivision, together with the date on which the governing body thereof adopted an authorizing resolution;

“(4) The location of the principal office of the district, which shall be the same as that stated in the applications required by section 11-89-3; ~~in an authorizing subdivision~~;

“(5) (i) A concise legal description of the area or areas in which the district proposes to render water service, sewer service and fire protection service or any thereof and a designation of the type or types of service proposed to be rendered in such area or in each of such areas, or, (ii) if the district is to be a supply district, the name of each county, municipality and public corporation proposed to be served;

“(6) The total number of directors and the number of directors which the governing body of each authorizing subdivision shall be entitled to elect; and, if the district will be a supply district, any provision to give the directors proportional voting power based upon the quantity of water to be taken or paid for by the entities which will elect the directors, the percentage of indebtedness of the district for which the entities electing the directors will be guarantors, or any other measure for establishing proportional voting power of directors;

“(7) A plan for apportioning the properties of the district upon its dissolution among the authorizing subdivisions, but only if such plan was stated in the application filed with the governing bodies of the authorizing subdivisions in accordance with the provisions of section 11-89-3;

“(8) A statement that the application filed with the governing body of each of the authorizing subdivisions in accordance with section 11-89-3 was identical to the copy thereof attached to said certificate of incorporation; and

“(9) Any other matters relating to the district that the incorporators may choose to insert and that are not inconsistent with this chapter or with the laws of the state.

“(c) To the extent that any matter required by the provisions of subsection (b) of this section to be included in the certificate of incorporation of a district is also required or permitted to be included in the application theretofore filed with the authorizing subdivisions in accordance with the provisions of section 11-89-3, including, but without limitation to, any matter relating to the type or types of service proposed to be rendered by the district, any the service area, the number and method of electing directors, the location of the principal office of the district and apportioning the properties of the district upon its dissolution, the provisions of the certificate of incorporation with respect to such matter shall be in strict accordance with the corresponding provisions of such application.

“(d) The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it a copy of the application as filed with the governing body of each of the authorizing subdivisions in accordance with the provisions of section 11-89-3, a certified copy of the authorizing resolution adopted by the governing body of each authorizing subdivision and a certificate by the secretary of state that the name proposed for the district is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the district shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The judge of probate shall thereupon send a notice to the secretary of state that the certificate of incorporation of the district has been filed for record.”

Section 4. Section 11-89-5 of the Code of Alabama 1975 is hereby amended to read as follows:

"§11-89-5. Authorization and procedure for amendment of certificate of incorporation.

"(a) The certificate of incorporation of any district incorporated under the provisions of this chapter may at any time and from time to time be amended in the manner provided in this section.

"(b) (1) The board of directors of the district shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include:

"a. A change in the name of the district;

"b. The addition to the service area of the district of new territory lying within any municipality, or, in the case of territory not lying within any municipality, any county in which the district's then existing service area lies;

"c. Provisions for the operation of a system or facility the operation of which is not then provided for in the certificate of incorporation of the district and which the district is authorized by this ~~article~~ chapter to operate;

"d. Any matters which might have been included in the original certificate of incorporation; ~~and~~

"e. Provisions for the addition to the service area of the district of new territory not lying within any municipality or, in the case of territory not lying within any municipality, any county in which the district's then existing service area lies, together with the related provisions referred to in paragraphs a, b and c of subdivision (2) of this subsection; and

"f. In the case of a supply district which proposes to cease being only a supply district, the creation of a service area for the district.

"(2) If any proposed amendment would add any new territory to the service area of a district, or create a service area, such proposed amendment shall include a concise legal description of the proposed new territory or proposed service area and a designation of the type or types of service proposed to be rendered therein. If any proposed amendment would add to the service area of the district new territory or create a service area any part of which does not lie within any municipality or, in the case of territory or service area not lying within any municipality, any part of which does not lie within any county in which any the district's then existing service area lies, such proposed amendment shall include, in addition: ~~to a concise legal description of the proposed new territory and a designation of the type or types of service proposed to be rendered therein:~~

"a. Provisions for election of at least one director by the governing body of each county and municipality in which any part of the proposed new territory or the proposed service area lies;

"b. Provisions for any change in the total number of directors that the board deems appropriate; and, if the district is a supply district, any provision to give the directors proportional voting power based upon the quantity of water to be taken or paid for by the entities which will elect the directors, the percentage of indebtedness of the district for which the entities electing

the directors will be guarantors, or any other measure for establishing proportional voting power of directors; provided, however, that the total number of directors shall be at least equal to the number of directors immediately before the amendment, plus the number added pursuant to paragraph a of this subdivision (2); total number of counties and municipalities in which the district's service area will lie upon the filing for record of said proposed amendment but in no event less than five; and

"c. Any provision that the board deems appropriate for apportioning of the properties of the district upon its dissolution among its customers, if it is a supply district, or among the counties and municipalities in which its service area will lie upon the filing for record of said proposed amendment.

"(3) If the proposed amendment makes provision for the operation of a system or facility not then provided for in the certificate of incorporation of the district, such proposed amendment shall also include, in addition to a concise legal description of the area or areas in which the district proposes to render service from such system or facility ~~(which such area or areas shall lie wholly within the boundaries of any one or more municipalities or, in the case of an area or areas not lying within any municipality, counties in which the district's then existing service area lies or in which the district's service area will lie upon the filing for record of said proposed amendment)~~ provision for an appropriate change in the name of the district.

"(4) It shall not be necessary for a supply district to amend its certificate of incorporation merely to add one or more additional municipalities, counties or public corporations as customers.

"(c) After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the district, the chairman of the board or other chief executive officer of the district and the secretary of the district shall sign and file a written application in the name of and on behalf of the district, under its seal, with the governing body of each authorizing subdivision and each additional county and municipality in which any part of the district's then existing service area lies and with the governing body of each county and municipality in which any part of the proposed new territory or the proposed service area lies. Such application shall request each governing body with which the application is filed to adopt a resolution approving the proposed amendment and shall be accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman or other chief executive officer may consider appropriate.

"(d) As promptly as may be practicable after the filing of the said application with any governing body pursuant to the provisions of subsection (c) of this section, that governing body shall review the said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Each governing body with which the application is filed shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon the said application is taken.

"(e) Within 40 days following the adoption by the governing body with which the said application shall have been filed of a resolution approving the proposed amendment or, in the event said application was filed with the

governing bodies of more than one county or public corporation or municipality, ~~or a combination of one or more counties and municipalities,~~ within 40 days following the adoption of such a resolution by that governing body that was the last to adopt such a resolution, but if and only if the governing body of each other county, public corporation and municipality with whom such application was filed has theretofore adopted such a resolution, the chairman of the board or other chief executive officer of the district and the secretary of the district shall sign and file for record in the office of the judge of probate of the county where the certificate of incorporation of the district was filed a certificate in the name of and in behalf of the district, under its seal, reciting the adoption of said respective resolutions by the board and by each of the said governing bodies and setting forth the said proposed amendment. If the proposed amendment provides for a change in the name of the district, there shall be filed, together with the certificate required by the immediately preceding sentence, a certificate of the secretary of state showing that the proposed new name of the district is not identical to that of any other corporation then in existence and organized under the laws of this state or so nearly similar to that of any other such corporation so as to lead to confusion and uncertainty. Upon the filing for record of each such certificate, the said amendment to the certificate of incorporation shall become effective. If the proposed amendment effects a change in the name of the district, the judge of probate shall promptly send a notice to the secretary of state, advising him of such change."

Section 5. Section 11-89-6 of the Code of Alabama is hereby amended to read as follows:

"§11-89-6. Board of directors.

"Each district shall be governed by a board of directors. All powers of the district shall be exercised by the board or pursuant to its authorization. Subject to the provisions of sections 11-89-3 and 11-89-4, the board shall consist initially of that number of directors, apportioned among and elected by the authorizing subdivisions, as shall be specified in the certificate of incorporation of the district. The initial term of office of each such director shall begin immediately upon his election and shall end at 12:01 A.M. on the fourth anniversary date of the filing for record of the certificate of incorporation of the district. Thereafter, the term of office of each such director shall be four years; provided however, each county commission may, if they desire, number the place of each director and prescribe one-, two-, three- or four-year terms for each place so as to stagger the terms of office of the directors.

"If any amendment to the certificate of incorporation of the district effected in accordance with the provisions of section 11-89-5 shall increase the membership of the board, the board shall thereafter consist of such number of directors, elected by such governing bodies, as may be specified in the said amendment. The initial term of office of each new director added by any such amendment shall begin immediately upon his election and shall end at 12:01 A.M. on the fourth anniversary date of the filing for record of such amendment. The term of office of each new director, added by amendment as aforesaid, shall, following the initial term of such new director, be for a period of four years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by that governing body which elected the director whose unexpired term he is to fill. Each election of a director, whether for a full four-year term or to complete an unexpired term, shall

be made not earlier than 30 days prior to the date on which such director is to take office as such. No officer of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director.

"Each director of a district, other than a supply district, elected by a county governing body must be a duly qualified elector of that county from which he was elected, or, if elected by a municipality of less than 2,000 inhabitants according to the most recent decennial census, such director must be a duly qualified elector of that county in which such municipality is located, or, if elected by a municipality of 2,000 or more inhabitants according to said census, such director must be a duly qualified elector of the municipality from which he was elected. must be a duly qualified elector of that county or municipality, as the case may be, by the governing body of which he was elected. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director, except the chairman of the board, shall be compensated in an additional amount as prescribed by the governing body of each authorizing subdivision. county commission. The chairman shall, if said certificate so provides, be compensated in an additional amount as prescribed by the governing body of each authorizing subdivision. county commission."

"Any director of the district may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said section 175.

"If the certificate of incorporation so provides, the directors shall have proportional voting power, based on the measure or measures set out in the certificate of incorporation."

Section 6. Section 11-89-7 of the Code of Alabama 1975 is hereby amended to read as follows:

"§11-89-7. Powers of district generally; power of district to acquire, operate, etc., systems, etc., outside service area; provisions in schedules of rates and charges generally.

"(a) The district shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

"(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of section 11-89-17) specified in its certificate of incorporation;

"(2) To sue and be sued in its own name in civil actions, except as otherwise provided in this chapter, and to defend civil actions against it;

"(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

"(4) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

"(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed, whether located in one or more counties or municipalities and whether located within or outside the service area;

"(6) To make, enter into and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary

or convenient to accomplish any purpose for which the district was organized or to exercise any power expressly granted under this section;

“(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip and operate water systems, sewer systems and fire protection facilities or any part or combination of any thereof, whether located in one or more counties or municipalities and whether located within or outside the any service area and without any requirement that such water systems, sewer systems or fire protection facilities or all or any part of any thereof be interconnected or otherwise constitute an integrated operational unit, and to acquire real and personal property, franchises and easements deemed necessary or desirable in connection therewith;

“(8) To distribute and sell water, either at retail or for resale, within the service area or in any part thereof or to or on behalf of one or more counties, municipalities or other public corporations upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe;

“(9) To furnish and provide sewer service in the service area or in any part thereof or to or on behalf of one or more counties, municipalities or other public corporations upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe; provided, however, that nothing in this chapter shall authorize any district to collect, transport, treat or dispose of solid wastes or charge for the collection, transportation, treatment or disposal of solid wastes from any industrial, manufacturing or utility plant without consent from the owners or operators of such plant;

“(10) To furnish and provide fire protection service in the service area or in any part thereof or to or on behalf of one or more counties, municipalities or other public corporations upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe;

“(11) To sell and issue bonds of the district in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely out of the revenues derived from any water system, sewer system and fire protection facility or any thereof of the district;

“(12) To assume obligations secured by a lien on or payable out of or secured by a pledge of the revenues from any water system, sewer system and fire protection facility or any part of any thereof that may be acquired by the district, any obligation so assumed to be payable by the district solely out of the revenues derived from the operation of any water system, sewer system and fire protection facility or any thereof of the district;

“(13) To pledge for payment of any bonds issued or obligations assumed by the district any revenues from which those bonds or obligations are made payable as provided in this chapter;

“(14) To execute and deliver, in accordance with the provisions of this section and of sections 11-89-8 and 11-89-9, mortgages and deeds of trust and trust indentures or either;

“(15) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Title 18 of this Code; provided, that this subdivision shall not be deemed to authorize the district to acquire, without the consent of the owner or owners thereof, any water supply system or water distribution system from which water service is at the time being furnished, any sewer system from which sewer service is at the time being

furnished or any property that is at the time being used in the furnishing of fire protection service; provided further, that such right of eminent domain shall not apply to real property or interests therein previously dedicated to public use;

“(16) To appoint, employ, contract with and provide for the compensation of such officers, employees and agents, including, but without limitation to, engineers, attorneys, management consultants and fiscal advisers as the business of the district may require, and, at its option, to provide a system of disability pay, retirement compensation and pensions or any of them without regard to any provisions of sections 41-16-50 through 41-16-63 that might otherwise be applicable;

“(17) To make and enforce reasonable rules and regulations governing the use of any water system, sewer system or fire protection facility owned or controlled by the district;

“(18) To provide for such insurance as the board may deem advisable;

“(19) To invest any funds of the district that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality and interest-bearing bank deposits or any thereof;

“(20) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation ~~organized under the laws of the state~~ and to make such contracts with them or any of them, as the board may deem advisable to accomplish the purpose for which the district was established;

“(21) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of any water system, sewer system or fire protection facility of the district;

“(22) To sell and convey, with or without valuable consideration, any of its water systems, sewer systems or fire protection facilities or any portion of any of the said systems and facilities to any one or more counties, municipalities or public corporations ~~organized under the laws of the state~~ which have the corporate power to operate the system and facilities or portions thereof so conveyed and the property and income of which are not subject to taxation; provided, that any such sale and conveyance may be made only with the consent of each county and municipality in which any part of the any service area of the district is then located, or, with respect to a supply district, the consent of each authorizing subdivision, any such consent to be evidenced by a resolution adopted by the governing body of each consenting county and municipality, or authorizing subdivision, as the case may be, and only if any such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture or other agreement to which the district is a party;

“(23) To enter into a management agreement or agreements with any person for the management by the district of any water system, sewer system or fire protection facility or any thereof upon such terms and conditions as may be mutually agreeable;

“(24) To fix and revise from time to time reasonable rates, fees and other charges for water service, sewer service, fire protection service, or any thereof, furnished or to be furnished by any water system, sewer system or

fire protection facility, or portion of any thereof, owned or operated by the district, and to collect all charges made by it; and

“(25) To require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay rates, fees or charges for the use of or for the services furnished by any water system, sewer system or fire protection system owned or operated by the district under the provisions of this chapter to make a reasonable deposit with the district in advance to insure the payment of such rates, fees or charges and to be subject to the application to the payment thereof if and when delinquent.

“(b) Nothing in this section shall be construed to permit a district other than a supply district to acquire, receive, take, hold, establish, develop, construct, reconstruct, enlarge, improve, maintain, equip or operate any property or water system, sewer system and fire protection facility or any part or combination of any thereof located outside the service area, except as an incident to the rendering of water service, sewer service and fire protection service or any thereof inside the service area or to render water service, sewer service and fire protection service or any thereof unless such district is authorized so to do in its certificate of incorporation and any amendments thereto.

“(c) Any schedule or schedules of rates and other charges adopted by the board may:

“(1) Provide for the rendition by the district to customers served by it of combined statements or bills for service furnished from its water systems, its sewer systems and its fire protection facilities or any one or more of any thereof;

“(2) Permit the district to decline to accept payment of charges for service from any of its said systems and facilities, without payment of charges for service at the same premises from any one or more of its other systems and facilities;

“(3) Provide for a discontinuance of service from any or all of its said systems and facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any system or facility of the district;

“(4) Provide for the payment of connection fees, disconnection fees and reconnection fees; and

“(5) Require, as a prerequisite to the rendition of any service, the making of a deposit as a security for payment of bills, on which deposit the district shall not be obligated to pay or allow interest.”

Section 7. Section 11-89-13 of the Code of Alabama 1975 is hereby amended to read as follows:

“§11-89-13. Loans, sales, grants, etc., of money, property, etc., to district by counties, municipalities, public corporations, etc.

“For the purpose of securing water service, sewer service or fire protection service or aiding or cooperating with the district in the planning, development, undertaking, construction, extension, improvement, operation or protection of water systems, sewer systems and fire protection facilities, any county, municipality or other political subdivision, public corporation, agency or

instrumentality of this state may, upon such terms and with or without consideration, as it may determine:

“(1) Lend or donate money to, guarantee all or any part of the indebtedness of, or perform services for the benefit of the district;

“(2) Donate, sell, convey, transfer, lease or grant to the district, without the necessity of authorization at any election of qualified voters, any property of any kind, including, but without limitation, any water system, sewer system or fire protection facility, any interest in any thereof and any franchise; and

“(3) Contract with the district under such terms as may be mutually agreeable, including a contract obligating it to purchase a certain quantity of water from the district in a stipulated period of time, or to pay for such quantity of water whether or not it receives it; and

“(34) Do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the district in the planning, undertaking, construction or operation of water systems, sewer systems and fire protection facilities.”

Section 8. Section 11-89-17 of the Code of Alabama 1975 is hereby amended to read as follows:

“§11-89-17. Authorization and procedure for dissolution of district; vesting of title to properties of district and apportionment thereof upon dissolution of district.

“At any time when the district has no bonds or other obligations outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the district shall be dissolved. Upon the filing for record of a certified copy of the said resolution in the office of the judge of probate of the county in which the district's certificate of incorporation was filed the district shall thereupon stand dissolved and, in the event it owned any property at the time of its dissolution, the title to all its property shall thereupon pass to and be divided and apportioned among the counties and municipalities in which any part of the service area may be located, or, if it is a supply district, among its authorizing subdivisions, all in such manner and to such extent as may be provided in the district's certificate of incorporation, as amended; provided, however, that in the absence of a contrary provision in the said certificate of incorporation, as amended, title to real estate and tangible personal property, other than cash, shall vest in the county or municipality, as the case may be, in which the said real estate or tangible personal property is located and the title to cash on hand and in banks, accounts receivable, choses in action and other intangible property, other than intangible interest in land, shall vest in all of the counties and municipalities in which any part of the service area lies. Each such county and municipality shall have title to said cash and intangible items as a tenant in common thereof, the fractional interest of each such tenant in common in said items being represented by a fraction the numerator of which is an amount equal to the gross revenues derived by the district during its then next preceding complete fiscal year from service rendered in that part of its service area within that county or municipality, as the case may be, and the denominator of which is an amount equal to the gross revenues derived by the district during the same period from services rendered in its entire service area. For the purposes of this section only, real and

tangible personal property, other than cash, located and service rendered wholly within a municipality shall not be deemed to be located or rendered, as the case may be, in a county."

Section 9. Section 11-89-18 of the Code of Alabama 1975 is hereby amended to read as follows:

"§11-89-18. Existence of district not to prevent subsequent incorporation, etc., of another district.

"The existence of one or more districts incorporated under the provisions of this chapter shall not prevent the subsequent incorporation under this chapter of another district or the amendment of the certificate of incorporation of another district pursuant to authority granted by the same county, counties, municipality or municipalities, public corporation or public corporations, or by the same combination thereof, even though the service area described in the certificate of incorporation, as originally filed or amended, of any existing district may include territory that lies within the proposed service area of a district that is proposed to be incorporated under this chapter or that proposes to amend its certificate of incorporation under this chapter."

Section 10. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clay, Colvin, Crow, Curry, Drake, Escott, Ford, Freeman, Goodwin, Grouby, Hall, Hamilton, Headley, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Poole, Rains, Sanderford, Spratt, Starkey, Warren, White (G), White (L), Williams and Willis.

—62

And the bill, H. 342 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne,

Petelos, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L), Williams, Willis and Wright.

—76

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 125, was adopted.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Drake, Escott, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—76

Nay: Rep. Rains.

—1

S. 188 SUBSTITUTED FOR H. 125

On motion of Rep. Fuller, the bill, S. 188, was substituted for the bill, H. 125.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Fuller, the Budget Isolation Resolution and the bill, S. 188, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Britnell, Budget Isolation Resolution relating to H. B. 947, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Colvin, Curry, Drake, Escott, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hamilton, Headley, Hill, Hogan, Holley, Johnson (RG), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McKee, Moon, Newman, Newton (C), Parker, Payne, Petelos, Richardson, Sanderford, Starkey, Turner, White (G), White (L), Willis and Wright.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 947. To amend the title and sections 1, 2, 3, 4 and 5 of Act No. 54, H. 378, approved June 28, 1965 (Acts 1965, p. 75), which provides for a junior college and trade school scholarship program for residents of Franklin County, Alabama, so as to provide for a community college scholarship program for such residents and for the manner of awarding such scholarships.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carothers, Carter, Clay, Colvin, Curry, Drake, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Hamilton, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, White (G) and Zoghby.

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Britnell, Budget Isolation Resolution relating to H. B. 949, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Britnell, Brooks, Burke, Butler, Carothers, Carter, Colvin, Ford, Freeman, Gaston, Goodwin, Hall, Hammett, Headley, Hill, Holley, Johnson (RG), Kvalheim, Lindsey, Marks, Mathis, McKee, Moon, Newman, Newton (C), Parker, Payne, Rains, Richardson, Sanderford, Starkey, Turner, White (G), White (L) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 949. (With Amendment): To amend Section 6 of Act No. 515, H. 756, approved September 14, 1963 (Acts 1963, p. 1100), which levied a tobacco tax in Franklin County, Alabama, so as to provide further for the disposition of the proceeds of the revenue from such tax.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 949 on Page 2, line 29 by striking the following language at the beginning of the line: ~~office of the Judge of Probate~~ and inserting in lieu thereof the following: custodian of county funds

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Bowling, Britnell, Brooks, Bugg, Burke, Carothers, Carter, Colvin, Crow, Curry, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Headley, Hill, Hogan, Holley, Johnson (RG), Knight, Kvalheim, Logan, Marks, Mathis, McKee, Moon, Newman, Newton (C), Parker, Payne, Petelos, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, White (G), White (L), Willis and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 949 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Bowling, Britnell, Brooks, Burke, Butler, Carothers, Clay, Colvin, Drake, Flowers, Fuller, Gaston, Goodwin, Hall, Headley, Hill, Hogan, Holley, Johnson (RG), Knight, Kvalheim, Logan, Marks, Mathis, McKee, Newman, Newton (C), Parker, Rains, Richardson, Sanderford, Starkey, Thomas, Turner, White (G) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Britnell, Budget Isolation Resolution relating to H. B. 890, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Britnell, Brooks, Bryant, Bugg, Burke, Carothers, Carter, Colvin, Crow, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Hall, Hamilton, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McKee, Melton, Moon, Newman, Newton (C), Parker, Perdue, Petelos, Richardson, Sanderford, Turner, White (G), White (L), Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 890. To remove certain property from within the municipal limits of Bear Creek in Marion County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Bowling, Britnell, Brooks, Carothers, Carter, Colvin, Crow, Curry, Drake, Escott, Ford, Hamilton, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Logan, Marks, Mathis, McKee, Melton, Moon, Newman, Newton (C), Parker, Payne, Petelos, Rains, Richardson, Sanderford, Slaughter, Spratt, Turner, Walker, White (G), Willis and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Britnell, Budget Isolation Resolution relating to H. B. 948, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Burke, Carothers, Carter, Clay, Colvin, Crow, Curry, Drake, Escott, Flowers, Ford, Freeman, Gaston, Hall, Hamilton, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Knight, Kvalheim, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Richardson, Sanderford, Slaughter, Thomas, Turner, Walker, White (G), Willis, Wright and Zoghby.

—55

And the bill:

H. 948. (With Amendment): Relating to Marion County, to amend Act No. 79-259, H. 665 of the 1979 Regular Session (Acts of 1979, p. 399) pertaining to the county commission's authority in regard to constructing and maintaining certain roads and driveways, so as to grant said authority to municipalities located in Marion County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 948, Page 1, Section 1, Line 27, after the word and period "act." by adding the following:

Be it further provided that the provisions of this act are applicable only when each project for action is approved in an official meeting of the appropriate governing body and properly recorded in the minutes of that meeting.

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Carothers, Carter, Colvin, Crow, Curry, Drake, Flowers, Ford, Gaston, Hamilton, Headley, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McClain, McKee, Melton, Mikell, Newman, Newton (C), Parker, Payne, Petelos, Richardson, Sanderford, Walker, White (G), Williams, Willis, Wright and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 948 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Burke, Carothers, Carter, Colvin, Crow, Curry, Drake, Flowers, Ford, Freeman, Gaston, Hall, Hamilton, Headley, Hill, Holley, Hooper, Johnson (RG), Knight, Kvalheim, Logan, Marks, Mathis, McKee, Melton, Moon, Newman, Newton (C), Parker, Payne, Petelos, Richardson, Sanderford, Turner, Walker, White (G), Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW), the rules were suspended in order to introduce a bill out of order.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 677. (With Amendment): Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 677, Page 9, Line 13, by adding the following paragraph:

“(4) Any subsequent persons receiving a check, draft, or order from the original payee or a successor endorsee have the same rights that the original payee has against the maker of the instrument, provided such subsequent persons give notice as required in Section 13A-9-13.2 of the Code of Alabama, 1975. Persons providing such notice shall be immune from civil liability for the giving of such notice and for proceeding under the forms of such notice, so long as the maker of the instrument has the same defenses against these subsequent persons as against the original payees. However, the remedies available under this section may be exercised only by one party in interest.

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Clark (W), Clay, Crow, Flowers, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Richardson, Sanderford, Thomas, Turner, Walker, White (F), White (G), White (L), Williams, Willis and Zoghby.

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And the bill, H. 677 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Burke, Buskey (JE), Butler, Campbell, Carothers,

Carter, Clark (W), Clay, Curry, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Thomas, Turner, Venable, Walker, White (G), White (L), Williams and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 565.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Fuller abstained from voting on the bill, H. 565, due to possible conflict of interest.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution relating to H. B. 565, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Curry, Drake, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, McClain, McKee, McMillan, Melton, Mikell, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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And the bill:

H. 565. To amend Section 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to regulate further the sizes and weights of motor vehicles on the highways in Alabama.

Was taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 565:

On page 2, line 15 after the word "of" delete "semitrailer trucks" and add in lieu thereof:

"A truck-semitrailer combination,"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Curry, Drake, Flowers, Ford, Freeman, Gaston, Grouby, Hall, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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H. 565 TEMPORARILY CARRIED OVER

On motion of Rep. Holley, the bill, H. 565 as amended, was temporarily carried over.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 281

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning House Bill 281, have met in conference and agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TAYLOR HARPER,
JAMES M. CAMPBELL,
GARY WHITE,

Conferees on the Part of the House.

LOWELL BARRON,
FRED HORN,
W. H. DRINKARD,

Conferees on the Part of the Senate.

A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1990, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions,

or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1990, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, as amended, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, as amended, Sections 41-19-1 through 41-19-12), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total	
	ASETF	Trust Funds
		Appropriation Total
SECTION 3.		
A. STATE AGENCIES:		
1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:		
(a) Support of Other Educational Activities Program		112,500
SOURCE OF FUNDS:		
(1) ASETF	112,500	
Total American Legion and Auxiliary Scholarships	112,500	112,500
To be expended under the provisions of Code of Alabama 1975, as amended, Sections 16-31-1 through 16-31-4.		
2. ARTS, STATE COUNCIL ON THE:		
(a) Fine Arts Program		2,146,033
SOURCE OF FUNDS:		
(1) ASETF	1,499,133	
(2) Federal and Local Funds		646,900

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Total State Council on the Arts	1,499,133	646,900	2,146,033
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In addition to the above appropriation to the State Council on the Arts, there is hereby conditionally appropriated from the Alabama Special Educational Trust Fund the sum of \$100,000 to be used to fund local arts councils. There is also hereby conditionally appropriated the sum of \$250,000 to the State Council on the Arts to be used to fund the Alabama Symphony to be conditioned upon the availability of funds in the ASETF and the approval of the Governor. It is the intent of the Legislature that these conditionally appropriated funds be in addition to the regular appropriations to the various local arts councils. Said appropriations are conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.

In addition to the above appropriations, there is hereby conditionally appropriated the sum of \$100,000 to be used for repairs and renovations of the proposed Alabama Center for Traditional Culture to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.

3. DEBT SERVICE:

(a) Debt Service Program

649,708

For interest on endowments as follows:

For interest on University of Montevallo (Alabama College) Endowment, Estimated 34,964

For interest on Auburn University Endowment 20,280

For interest on University of Alabama Endowment 61,000

For interest on Grove Hill Endowment 600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated 410,000

Interest on School Indemnity Lands, Estimated 90,000

Interest on Valueless 16th Section
Lands 5,825
Interest on Surplus Revenue 26,764
Interest on James Wallace
Fund 275

Total Interest on Public School Fund
Endowment 532,864

SOURCE OF FUNDS:

(1) ASETF	649,708	
Total Debt Service	649,708	649,708

4. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Ac- tivities Program	176,000
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SOURCE OF FUNDS:

(1) ASETF	176,000	
Total Board of Dental Scholarship Awards	176,000	176,000

To be expended under the provisions
of Code of Alabama 1975, as
amended, Sections 16-47-76 through
16-47-81.

5. EDUCATION, DEPARTMENT
OF:

(a) Administrative Services Program	15,681,323
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The proposed spending plan for the
ASETF monies included in the above
program is as follows:

Compact for Education 44,000
Operations and Maintenance of
Department 5,247,615
Leadership and
Management 300,000
Electronic Network 300,000

SOURCE OF FUNDS:

(1) ASETF	5,891,615	
(2) Federal and Local Funds	9,789,708	
Total Administrative Services Program	5,891,615	9,789,708
		15,681,323

(b) Adult Basic Education/Communi- ty Education Program	6,516,910
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The ASETF monies included in the
above program are to be distributed

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by the Department of Education as follows:

Adult Basic Education 2,806,209

Of the above appropriation of \$2,806,209, the sum of \$206,411 shall be used to fund FICA for ABE programs including the FICA of those programs at postsecondary institutions.

Community Education 765,544

Of the above appropriation to the Department of Education for Community Education, \$85,000 shall be allocated to the Birmingham Board of Education Department of Community Education.

SOURCE OF FUNDS:

(1) ASETF	3,571,753	
(2) Federal and Local Funds		2,945,157
<hr/>		
Total Adult Basic Education/Community Education Program	3,571,753	2,945,157
		6,516,910
(c) Alabama Young Farmers Education Program		50,000

SOURCE OF FUNDS:

(1) ASETF	50,000	
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Total Alabama Young Farmers Education Program	50,000	50,000
		50,000
(d) Financial Assistance Program		269,336,046

The proposed spending plan for the ASETF monies included in the above program is as follows:

Elementary Teachers

Scholarships 23,760

To be paid in accordance with Code of Alabama 1975, as amended, Section 16-23-17.

Teacher In-Service

Centers 2,034,009

The State Board of Education shall administer the In-Service Educational Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$171,009 may be used by the State Board of Education for the administration and monitoring of said centers. The above

appropriation shall be distributed in the following manner:

(aa) The sum of \$85,000 shall be distributed to each of the following in-service centers:

- (1) Alabama A&M University
- (2) Alabama State University
- (3) Athens State College
- (4) Auburn University
- (5) Jacksonville State University
- (6) Troy State University
- (7) University of Alabama
- (8) University of Alabama at Birmingham
- (9) University of Montevallo
- (10) University of North Alabama
- (11) University of South Alabama

(bb) The remainder of the above appropriation shall be allotted to each in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1988-89, and the number of teachers employed as reported on the 1988-89 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.

In addition to the above appropriation of \$2,034,009 to the In-Service Centers, there is hereby appropriated \$700,000 to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

SOURCE OF FUNDS:

(1) ASETF	2,057,769
(2) Federal and Local Funds	267,278,277

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Total Financial Assistance Program ...	2,057,769	267,278,277	269,336,046
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(e) Instructional Technical Assistance Program			12,276,494
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Basic Skills Program 949,215

Early Childhood Education Administration 97,998

Instructional Technical Assistance 1,283,181

Special Education Administration 400,902

Vocational Education Administration 920,180

National Geographic Grant-Matching Funds 50,000

SOURCE OF FUNDS:

(1) ASETF	3,701,476		
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(2) Federal and Local Funds		8,575,018	
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Total Instructional Technical Assistance Program	3,701,476	8,575,018	12,276,494
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(f) Local Agency Support Program			18,321,140
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Advanced Placement 468,891

Driver Education, School Bus Driver Training and Vehicle Safety Inspection 249,450

Free Textbooks 13,065,118

Guidance and Counseling 150,000

Operations and Maintenance 177,944

School Attendance 76,204

School Facilities and Architectural Services 196,934

Testing 1,409,464

Emergency Food Assistance Program 65,337

SOURCE OF FUNDS:

(1) ASETF	15,859,342		
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(2) Federal and Local Funds	2,461,798		
Total Local Agency Support Program	15,859,342	2,461,798	18,321,140

(g) Regulation Program			1,654,022
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Teacher Certification and Accreditation	385,851
Undergraduate/Graduate Program Approval	251,232

SOURCE OF FUNDS:

(1) ASETF	637,083		
(2) Federal and Local Funds		1,016,939	
Total Regulation Program	637,083	1,016,939	1,654,022

(h) Support of Other Educational Activities Program			8,839
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Education of Dependents of Blind Parents	8,839
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SOURCE OF FUNDS:

(1) ASETF	8,839		
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In addition to the above appropriation, there is also hereby conditionally appropriated, the sum of \$350,000 to the Helen Keller Eye Research Foundation to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

Total Support of Other Educational Activities Program	8,839		8,839
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For reimbursement of every state institution of higher learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, as amended, Sections 16-33-1 through 16-33-12.

(i) Support of State Universities Program			50,000
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SOURCE OF FUNDS:

(1) Federal and Local Funds		50,000	
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Total Support of State Universities Program	50,000	50,000	
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TOTAL DEPARTMENT OF EDUCATION:			
SOURCE OF FUNDS:			
(1) ASETF	31,777,877		
(2) Federal and Local Funds		292,116,897	
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GRAND TOTAL DEPARTMENT OF EDUCATION	31,777,877	292,116,897	323,894,774
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6. EDUCATION, STATE BOARD OF-MINIMUM PROGRAM AND PUBLIC SCHOOL FUND:			
(a) Financial Assistance Program			724,953,909
SOURCE OF FUNDS:			
(1) ASETF	675,277,424		
(2) Public School Fund		45,000,000	
(3) Local Funds		4,676,485	
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Total Minimum Program, Public School Fund and Local Funds	675,277,424	49,676,485	724,953,909
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The above appropriation shall be paid in accordance with Code of Alabama 1975, as amended, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto. For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of the Public School Funds appropriated above shall be used or expended otherwise than for the payment of teachers employed in such schools. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1990, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1990.

The appropriation hereinabove set out for the fiscal year 1989-90 is based on 22,474.26 teacher units. It is provided in the event that there are

more than 22,474.26 earned teacher units for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$45,000,000 available from the Public School Fund for the fiscal year 1989-90, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$300,000.

For "Salaries" the total shall not exceed the sum of \$502,175,268. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	2,876.71	\$ 70,545,559
I	22,961	13,417.14	308,070,952
II	19,992	6,180.41	123,558,757
III	16,832	0.00	0
IV	14,618	0.00	0
		22,474.26	\$502,175,268

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,247,426.

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$162,092,454. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$1,314,744.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$56,824,017. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

7. EDUCATION, STATE BOARD OF-LOCAL BOARDS:

(a) Financial Assistance Program 552,846,534

SOURCE OF FUNDS:

(1) ASETF 552,846,534

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Total State Board of Education-Local Boards	552,846,534	552,846,534
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To be distributed by the State Board
of Education for:

(1) Teachers' Sick Leave 4,335,405

Of the appropriation hereinabove made
for Teachers' Sick Leave, the rate of
not more than \$20.50 per day is
hereby appropriated. It is the intent
of the Legislature that the rate of
local supplements paid by each school
system for teachers' sick leave for the
1988-89 fiscal year be continued at
that rate through the 1989-90 fiscal
year. The above appropriation shall
be in addition to any local supple-
ments paid for teachers' sick leave
within a system.

(2) Support Personnel Sick
Leave 1,769,017

Of the appropriation hereinabove made
for Support Personnel Sick Leave,
in accordance with Code of Alabama
1975, as amended, Section 16-1-18,
the rate of not more than \$17 per
day is hereby appropriated.

(3) Teachers' Personal
Leave 1,086,095

The appropriation hereinabove made
for Teachers' Personal Leave pro-
vides for two (2) days personal leave
at the rate of not more than \$20.50
per day per teacher unit for each
teacher employed (except for ECIA
Chapter 1 and 2 teachers). It is the
intent of the Legislature that the rate
of local supplements paid by each
school system for teachers' personal
leave for the 1988-89 fiscal year be
continued at that rate through the
1989-90 fiscal year. The above ap-
propriation shall be in addition to
any local supplements paid for
teachers' personal leave within a sys-
tem.

(4) Support Personnel Personal
Leave 479,060

The appropriation hereinabove made
for Support Personnel Personal
Leave, in accordance with the pro-
visions of Code of Alabama 1975, as
amended, Section 16-8-26.1, pro-
vides for two (2) days personal leave

at the rate of not more than \$17 per day.

(5) Classroom Instructional
Supplies 21,787,380

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred forty dollars (\$540) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$21,787,380 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. The adoption of a budget for the expenditure of this appropriation shall be by secret ballot. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 80% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code

of Alabama 1975, as amended, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safeguards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(6) Kindergarten Instructional
Supplies 1,079,840

The above appropriation of \$1,079,840 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. This appropriation shall be in addition to the funds provided herein for "Classroom Instructional Supplies." However, this appropriation shall be subject to the same rules and regulations as are Classroom Instructional Supplies and shall also be subject to Section 16-13-13, Code of Alabama, 1975. Each school shall have a specific policy on the development of the budget for Kindergarten Instruction Supplies consistent with state law, and such policy shall contain a secret ballot provision for the teachers in adopting said budget. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts.

Any person expending funds not in compliance with this appropriation or falsifying certification of expenditures shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 80% of its allocation of the above appropriation for kindergarten instructional supplies.

(7) Maintenance 6,398,059

To be distributed to all local boards of education based on a formula to be determined by the State Board of Education.

(8) Continuation of Funds Previously
Granted for Special
Education 26,419,722

(9) Special Schools for Special
Education 2,792,269

To be distributed by the State Board of Education as follows: \$450,000 shall be allocated to the Tuscaloosa Regional Handicapped School a portion of which shall be used for Alberta City Summer Program for Mentally Retarded; \$45,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$22,500 shall be allocated to the Jasper Shriner School; \$67,500 shall be allocated to Coffee County Board of Education-Project Independence; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$67,500 shall be allocated to the Montgomery County Board of Education for the purpose of operating a program for deaf students in public schools; \$90,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$135,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$27,000 shall be allocated

to the Houston County Board of Education for a pilot program for gifted children; \$90,000 shall be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$15,300 shall be allocated to the Tannehill Learning Center; \$502,269 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purpose of Code of Alabama 1975, as amended, Section 16-39-3, and P.L. 94-142; \$525,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders; \$27,000 shall be allocated to Daleville Board of Education for a program for gifted children; \$27,000 shall be allocated to Geneva City School System for a program for gifted children; \$135,000 for the Dothan City School for the Hearing Impaired; \$25,000 for the Midfield City Board of Education for Special Education; \$30,000 to the DeKalb County Board of Education for the Northeast Alabama Regional Special Education Assessment Program. In addition to the above appropriations, there is hereby conditionally appropriated the sum of \$27,000 to the Henry County Board of Education for Special Education Programs.

(10) Kindergarten Teacher
Units 88,183,351

The above appropriation is for 3,037.04 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$66,101,458. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	139.70	\$ 3,425,863
I	22,961	1,600.53	36,749,769
II	19,992	<u>1,296.81</u>	<u>25,925,826</u>
		3,037.04	\$66,101,458

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$21,904,226.

It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$177,667.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amount shall not be allotted or paid. In the event more than 3,037.04 teacher units are earned for the fiscal year 1989-90, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

- (11) Continuation of Teacher Units to
reduce pupil-teacher ratio in grades
1-6 17,525,717

The above appropriation is for 592.52
teacher units and includes salaries,
other current expense, and capital
improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$13,217,587. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.69	\$ 2,150,422
I	22,961	328.26	7,537,178
II	19,992	<u>176.57</u>	<u>3,529,987</u>
		592.52	\$13,217,587

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$4,273,468. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$34,662.

- (12) Teacher Units to reduce pupil-
teacher ratio in Grade 1 .. 1,626,634

The above appropriation is for 55.00
teacher units and includes salaries,
other current expense, and capital
improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$1,226,736. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

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<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	8.03	\$ 196,920
I	22,961	30.58	702,147
II	19,992	<u>16.39</u>	<u>327,669</u>
		55.00	\$1,226,736

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$396,680. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$3,218.

(13) Supportive Teacher

Units 53,507,672

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (10) and Continuation Teacher Units in (11) and Teacher Units in (16). The above appropriation is for 1,785.73 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$40,523,879. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	396.43	\$ 9,721,653
I	22,961	1,019.65	23,412,184
II	19,992	<u>369.65</u>	<u>7,390,042</u>
		1,785.73	\$40,523,879

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$12,879,328. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$104,465.

(14) Special Education Teacher

Units 105,358,152

The above appropriation is for 3,500 teacher units and includes salaries,

other current expense, capital improvements, and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$79,146,942. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	325.50	\$ 7,982,236
I	22,961	2,593.50	59,549,354
II	19,992	<u>581.00</u>	<u>11,615,352</u>
		3,500.00	\$79,146,942

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$25,243,260. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

(15) Driver Education Teacher
Units 8,588,588

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,480,039. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	22.33	\$ 547,599
I	22,961	195.75	4,494,616
II	19,992	<u>71.92</u>	<u>1,437,824</u>
		290.00	\$6,480,039

For "Other Current Expense" an amount not to exceed \$7,212.36 for each earned teacher unit but the total shall not exceed the sum of \$2,091,584. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

- (16) Teacher Units to Reduce the
Pupil-Teacher Ratio in Grade One
Pursuant to Act 87-
665 20,265,856

The above appropriation is for 682
teacher units and includes salaries,
principal supplement, other current
expense and capital improvements
at the following rates:

For "Salaries" the total shall not exceed the sum of \$15,238,929. The
State Board of Education shall have the discretion to redistribute the number
of teacher units allotted in each rank provided, however, the total amount
allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$24,523	87.30	\$ 2,140,858
I	22,961	407.15	9,348,571
II	19,992	<u>187.55</u>	<u>3,749,500</u>
		682.00	\$15,238,929

For "Principal Supplement" an amount not to exceed \$100 for each
earned teacher unit but the total shall not exceed the sum of \$68,200.

For "Other Current Expense" an amount not to exceed \$7,212.36 for
each earned teacher unit but the total shall not exceed the sum of \$4,918,830.
It is the intent of the Legislature that all lunchroom workers' salaries be
fully funded by local school boards from these and any other local and or
state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each
earned teacher unit but the total shall not exceed the sum of \$39,897.

- (17) Vocational
Education 86,368,472

The appropriation hereinabove for Vocational Education shall be dis-
bursed or obligated in accordance with rules and regulations approved by
the State Board of Education upon the recommendation of the State Su-
perintendent. Of the above appropriation of \$86,368,473 for Vocational Ed-
ucation, the sum of \$6,394,785 shall be used to fund FICA for Vocational Ed-
ucation Programs. Of the above appropriation, \$1,344,187 shall be allocated
for handicapped students in Vocational Education and \$1,097,892 shall be
allocated for disadvantaged students in Vocational Education. Of the above
appropriation, an equal amount shall be allotted to each vocational teacher
unit funded herein for support and operations. Notwithstanding the provisions
of Code of Alabama 1975, as amended, Section 16-13-40, of the above
appropriation, \$356,500 shall be expended solely for vocational support and
instructional supplies. Each local school superintendent shall submit a no-
tarized affidavit to the State Department of Education certifying that funds
appropriated in that section have been expended only for vocational support
and instructional supplies. On the affidavit, the superintendent shall state
the amount of funds expended for use by vocational teachers and the amount
of funds expended for collective purposes for vocational purchases for vo-
cational and instructional supplies. The affidavit of expenditures shall be
subject to audit by the Examiners of Public Accounts. Any person expending
funds not in compliance with this appropriation or Section 16-13-13, Code
of Alabama 1975, as amended, or falsifying certification of expenditures, shall

be guilty of a Class A misdemeanor. Any of the \$356,500 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$356,500 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(18) Teachers' Aides 3,762,500

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty consecutive minutes of time free from instructional or supervisory responsibilities each teaching day.

(19) Salary Increases for Tenured Teachers (Estimated) 72,095,201

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

(20) Support Personnel Salary Increase (Estimated) 25,517,544

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with

the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

(21) Library Enhancement

(K-12) 3,900,000

To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a formula to be determined by the State Board of Education. In addition to the above appropriation, there is hereby appropriated the amount of \$1,000,000 to be conditioned on the availability of funds in the ASETF and upon approval of the Governor. Such funds shall be used as provided for in this sub-section.

(22) Burned-Out Schools ... 5,000,000

The above appropriation of \$5,000,000 for burned-out schools shall be conditioned upon the availability of funds in the ASETF, the proof of a burned-out school, and the approval of the Governor. These funds, when released, shall be allocated to schools according to the earliest dates of their burning during this legislative quadrennium.

8. PROJECT DARE IN HUNTSVILLE:

(a) Drug Education Program

200,000

To be expended for instruction and materials related to drug education in the public schools.

SOURCE OF FUNDS:

(1) ASETF

200,000

Total Project DARE in Huntsville	200,000		200,000
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9. EDUCATION, STATE BOARD
OF-POSTSECONDARY PRISON
EDUCATION:

(a) Operations and Maintenance	6,413,230	1,953,165	8,366,395
(b) Library Enhancement	9,626		9,626
(c) Prison Education Expansion Pro- grams at Clio and Clayton	300,000		300,000
(d) FICA-State Share	300,000		300,000

SOURCE OF FUNDS:

(1) ASETF	7,022,856		
(2) Federal and Local Funds		1,953,165	

Total State Board of Education-Post- secondary Prison Education	7,022,856	1,953,165	8,976,021
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(1) The Operations and Maintenance appropriation above of \$6,413,230 to the State Board of Education for Postsecondary Prison Education shall be distributed in accordance with a formula adopted by the State Board of Education to the colleges listed herein as follows: (1) Alexander City State Junior College; (2) Atmore State Technical College; (3) John C. Calhoun State Community College; (4) Jefferson Davis State Junior College; (5) Gadsden State Community College; (6) J.F. Ingram State Technical College; (7) Theodore A. Lawson State Community College; (8) Chauncey Sparks State Technical College.

(2) The Library Enhancement appropriation above of \$9,626 is to be distributed to the colleges listed in (1) above on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

10. GADSDEN STATE COMMU-
NITY COLLEGE:

(a) Technical Assistance Program			300,000
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(For merger expense.)

SOURCE OF FUNDS:

(1) ASETF	300,000		
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Total Gadsden State Community College	300,000		300,000
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It is the intent of the Legislature that no line-item appropriation from the ASETF shall be made to Gadsden State Community College for merger expense after the above appropriation is allocated for the fiscal year ending September 30, 1990.

11. EDUCATION, STATE BOARD
OF-JUNIOR COLLEGE SYS-
TEM:

(a) Operations and Maintenance	65,066,647	21,074,350	86,140,997
(b) High Technology Equipment	190,076		190,076

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(c) Library Enhancement	221,245	221,245
(d) Auxiliary Enterprises	6,757,417	6,757,417
(e) Restricted Funds	22,170,850	22,170,850
(f) Capital Outlay	100,000	100,000
(g) FICA-State Share	5,433,262	5,433,262

SOURCE OF FUNDS:

(1) ASETF	71,011,230		
(2) Other Funds		50,002,617	
Total State Board of Education-Junior College System	71,011,230	50,002,617	121,013,847

(1) The Operations and Maintenance appropriation above of \$65,066,647 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) The sum of \$200,000 to each junior college.

(b) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1987-88 and the fall, winter and spring quarters of the school year 1988-89 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the summer quarter of the school year 1987-88 and the fall, winter, and spring quarters of the school year 1988-89 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded, related courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Community College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama Community College; (15) Shoals Community College; (16) Snead State Junior College; (17) Southern Union State Junior College; (18) George C. Wallace State Community College (Selma); (19) George C. Wallace State Community College (Dothan); (20) Lurleen B. Wallace State Junior College; (21) George C. Wallace Community College at Hanceville; (22) Shelton State Community College.

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in 1(b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$221,245 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in 1(b) on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

12. EDUCATION, STATE BOARD
OF TECHNICAL COLLEGE
SYSTEM:

(a) Operations and Maintenance	47,639,572	15,369,397	63,008,969
(b) High Technology Equipment	190,076		190,076
(c) Library Enhancement	114,509		114,509
(d) Auxiliary Enterprises		4,874,572	4,874,572
(e) Restricted Funds		13,811,319	13,811,319
(f) Community Colleges—Start-up Costs for Technical Divisions	200,000		200,000
(g) FICA-State Share	3,914,606		3,914,606

SOURCE OF FUNDS:

(1) ASETF	52,058,763		
(2) Other Funds		34,055,288	

Total State Board of Education-Technical College System	52,058,763	34,055,288	86,114,051
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(1) The Operations and Maintenance appropriation above of \$47,639,572 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein as follows. Each such technical college listed in sub-section (a) below shall receive an operations and maintenance funding base in an equal amount as set by the State Board of Education. The remainder of the operations and maintenance appropriation shall be made on the same formula basis as was used in fiscal year 1988-89 with the exception of funding for prison education.

(a) The appropriation is to be allotted to each technical college in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between colleges. The application of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) John C. Calhoun State Community College; (6) Carver State Technical College; (7) J.F. Drake State Technical College; (8) Gadsden State Technical Institute; (9) Richmond P. Hobson State Technical College; (10) Theodore A. Lawson State Community College; (11) Douglas McArthur State Technical College; (12) Northwest Alabama Community College; (13) N.F. Nunnelley State Technical College; (14) Opelika State Technical College; (15) John M. Patterson State Technical College; (16) Ed E. Reid State Technical College; (17) Shelton State Technical College; (18) Shoals Community College; (19) Southwest State Technical College; (20) Chauncey Sparks State Technical College; (21) Council Trenholm State Technical College; (22) C.A. Fredd State Technical College; (23) Walker State Technical College; (24) George C. Wallace State Community College (Selma); (25) George C. Wallace State Community College (Dothan); (26) George C. Wallace State Community College (Hanceville); (27) J.F. Ingram State Technical College; (28) Alabama Technical College.

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in 1(a) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$114,509 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in 1(a) on a fall quarter 1989-90 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(4) The Community College—Start-up Cost appropriations for technical divisions shall be divided equally between Bishop State Community College's Technical Division and Jefferson State Community College's Technical Division. These Technical Divisions shall not receive ASETF funding from the 1) Operations and Maintenance, 2) High Technology Equipment or 3) Library Enhancement appropriations made hereinabove. Provided, however, that in addition to the above appropriations for the Community Colleges—Start-Up Costs for Technical Divisions, there is also hereby conditionally appropriated the sum of \$350,000 to be divided equally between Bishop State and Jefferson State Community Colleges'—Technical Divisions; and it is further conditionally appropriated the respective Technical Divisions' FTE allocation to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

13. EDUCATION STUDY COM-
MISSION:

(a) Advisory Services Program 250,000

This appropriation is to be expended
pursuant to Code of Alabama 1975,
as amended, Sections 16-6-1 through
16-6-6.

SOURCE OF FUNDS:

(1) ASETF	250,000	250,000
Total Education Study Commission ...	250,000	250,000

14. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGE-
MENT DIVISION-SUPERCOM-
PUTER:

(a) Administrative Support Services
Program 8,500,000

This appropriation is to be expended
for operation and maintenance of the
supercomputer.

SOURCE OF FUNDS:

(1) ASETF	7,000,000		
(2) Supercomputer Revolving Fund, Estimated		1,500,000	
Total Department of Finance-Data Systems Management Division- Supercomputer	7,000,000	1,500,000	8,500,000

15. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGE-
MENT DIVISION, TELEPHONE
REVOLVING FUND:

(a) Administrative Support Services
Program 5,775,000

SOURCE OF FUNDS:

(1) ASETF	5,775,000		
<hr/>			
Total Department of Finance-Data Systems Management Division, Telephone Revolving Fund	5,775,000		5,775,000
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In addition to the above appropriation to the Telephone Revolving Fund, there is hereby conditionally appropriated the sum of \$1,725,000 to be conditioned on the availability of funds in the ASETF and the approval of the Governor. Said conditional shall be on an equal priority with the conditional appropriations for the Proration Prevention Account and the Department of Mental Health and Mental Retardation as provided in this Act. The conditional appropriations for the Telephone Revolving Fund, the Proration Prevention Account and the Department of Mental Health and Mental Retardation shall all be released in full prior to the release of any other conditional appropriations from the ASETF.

16. FINE ARTS, ALABAMA
SCHOOL OF:

(a) Fine Arts Program	1,195,597
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SOURCE OF FUNDS:

(1) ASETF	1,003,110		
(2) Federal and Local Funds		192,487	
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Total Alabama School of Fine Arts	1,003,110	192,487	1,195,597
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17. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGE-
MENT:

(a) Administrative Support Services Program	331,000
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To be expended for education and training for the Governmental Accountant and Auditor Training Program and the Certified Public Manager Program.

SOURCE OF FUNDS:

(1) ASETF	331,000
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Total Department of Finance-Data Systems Management	331,000		331,000
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18. FIREFIGHTERS PERSONNEL
STANDARDS AND EDUCA-
TION COMMISSION, ALA-
BAMA/ALABAMA FIRE
COLLEGE-SHELTON STATE
COMMUNITY COLLEGE:

(a) Operations and Maintenance	731,457	180,172	911,629
(b) Auxiliary Enterprises		496,700	496,700
(c) Restricted Funds		225,000	225,000

SOURCE OF FUNDS:

(1) ASETF	731,457		
(2) Other Funds		901,872	

Total Alabama Firefighters Personnel
Standards and Education Commis-
sion/Alabama State Fire College-
Shelton State Community College ..

731,457	901,872	1,633,329
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19. HEALTH INSURANCE
BOARD, PUBLIC EDUCATION
EMPLOYEES':

(a) Administrative Support Services Program	144,323,360
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The above appropriation of \$144,323,360 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds, employees of the Alabama Institute for the Deaf and Blind, and retired employees eligible under the provisions of Code of Alabama 1975, as amended, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, as amended, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$144,323,360 appropriated hereinabove shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1989-90 all eligible full-time employees shall pay the premium rate of not less than

\$2.00 per month and all retired eligible employees shall pay the premium rate of not less than \$1.14 per month. The above contribution rates shall not be reduced by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF	144,323,360	
Total Public Education Employees' Health Insurance Board	144,323,360	144,323,360

20. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program	2,384,449
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance	1,309,635
Program Evaluation	200,037
Research Enhancement Program	275,000

SOURCE OF FUNDS:

(1) ASETF	1,784,672	
(2) Federal and Local Funds		599,777
Total Planning and Coordination Services Program (Total Operations)	1,784,672	599,777
		2,384,449

(b) Student Financial Aid Program ...	31,431,071
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The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:

(1) Educational Grants Program	3,487,742
(2) Alabama National Guard Educational Assistance	200,826

To be expended in accordance with
Code of Alabama 1975, as amended,
Sections 31-10-1 through 31-10-4.

(3) Emergency Secondary Education
Scholarships 1,077,007

To be expended in accordance with
Code of Alabama 1975, as amended,
Sections 16-23-18 through 16-23-23.

(4) Chiropractic
Scholarships 48,676

To be expended under the provisions
of Code of Alabama 1975, as
amended, Section 16-5-11.

(5) Alabama Student Assistance
Program 2,009,117

SOURCE OF FUNDS:

(1) ASETF	6,823,368		
(2) Federal and Local Funds		24,607,703	
Total Student Financial Aid Program	6,823,368	24,607,703	31,431,071

(c) Support of Other Educational Ac- tivities Program			5,072,342
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The proposed spending plan for the
ASETF monies included in the above
program is to be distributed through
ACHE as follows:

(1) Network of Alabama Academic Li-
braries (NAAL) 1,085,513

(2) Southern Regional Education
Board (SREB) 399,417

(3) EPSCoR-National Science Foun-
dation Program 1,000,000

In addition to the above appropriation
for EPSCoR-National Science
Foundation Program there is also
hereby conditionally appropriated the
sum of \$1,000,000 to be conditioned
upon the availability of funds in the
ASETF and the approval of the
Governor.

(4) Eminent Scholars
Program 2,000,000

(5) Alabama Small Business Develop-
ment Consortium 552,412

SOURCE OF FUNDS:

(1) ASETF	5,037,342		
(2) Federal and Local Funds		35,000	

Total Support of Other Educational Activities Program	5,037,342	35,000	5,072,342
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**TOTAL ALABAMA COMMISSION
ON HIGHER EDUCATION:**

SOURCE OF FUNDS:

(1) ASETF	13,645,382		
(2) Federal and Local Funds		25,242,480	

Grand Total Alabama Commission on Higher Education	13,645,382	25,242,480	38,887,862
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**21. INDUSTRIAL DEVELOP-
MENT TRAINING INSTITUTE,
ALABAMA:**

(a) Industrial Training Program	1,787,166		1,787,166
(b) Industrial Development Program	3,100,000		3,100,000
(c) Alabama Center for Quality and Productivity	1,365,000		1,365,000

SOURCE OF FUNDS:

(1) ASETF	6,252,166		
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Total Alabama Industrial Development Training Institute	6,252,166		6,252,166
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In addition to the above appropriation, there is hereby conditionally appropriated from the Alabama Special Educational Trust Fund \$2,000,000 to the Alabama Industrial Development Training Institute, to be conditioned upon the availability of funds in the ASETF, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

**22. LIBRARY SERVICE, ALA-
BAMA PUBLIC:**

(a) Public Library Service Program ...			6,646,506
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SOURCE OF FUNDS:

(1) ASETF	5,978,252		
(2) Federal and Local Funds		668,254	

Total Alabama Public Library Service	5,978,252	668,254	6,646,506
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In addition to the above appropriation, there is hereby appropriated to the Alabama Public Library Service the amount of \$1,000,000 to be conditioned on the availability of funds in the ASETF and upon approval of the Governor.

23. MARINE ENVIRONMENTAL
SCIENCES CONSORTIUM:

(a) Support of Other Educational Ac-
tivities Program 1,577,423

SOURCE OF FUNDS:

(1) ASETF	1,055,553		
(2) Federal and Local Funds		521,870	
Total Marine Environmental Sciences Consortium	1,055,553	521,870	1,577,423

24. MEDICAL SCHOLARSHIPS
AWARDS, BOARD OF:

(a) Support of Other Educational Ac-
tivities Program 677,000

SOURCE OF FUNDS:

(1) ASETF	677,000		
Total Board of Medical Scholarships Awards	677,000		677,000

To be expended under the provisions
of Code of Alabama 1975, as
amended, Sections 16-47-121
through 16-47-129.

25. MENTAL HEALTH AND
MENTAL RETARDATION, DE-
PARTMENT OF:

(a) Institutional Treatment and Care-
Mental Illness Program 5,289,047

Of the above appropriation, \$2,937,996
shall be expended at the Eufaula Ad-
olescent Center.

(b) Institutional Treatment and Care-
Mental Retardation Program 2,794,607

SOURCE OF FUNDS:

(1) ASETF	8,083,654		
Total Department of Mental Health and Mental Retardation	8,083,654		8,083,654

In addition to the above appropriation,
there is also hereby conditionally ap-
propriated to the Department of
Mental Health and Mental Retar-
dation for educational purposes the
sum of \$1,500,000 to be conditioned
on the availability of funds in the
ASETF and the approval of the
Governor. Said conditional shall be
on an equal priority with the condi-
tional appropriations for the Pra-
tion Prevention Account and the

Telephone Revolving Fund as provided in the Act. The conditional appropriations for the Telephone Revolving Fund, the Proration Prevention Account and the Department of Mental Health and Mental Retardation shall all be released in full prior to the release of any other conditional appropriations from the ASETF.

26. NURSING, ALABAMA BOARD OF:

- | | |
|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program | 57,000 |
|--|--------|

SOURCE OF FUNDS:

- (1) ASETF-Transfer-as provided in Code of Alabama 1975, as amended, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships

57,000

Total Alabama Board of Nursing

57,000

57,000

27. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:

- | | |
|---|---------|
| (a) Support of Other Educational Activities Program | 125,000 |
|---|---------|

SOURCE OF FUNDS:

- (1) ASETF

125,000

Total Board of Optometric Scholarship Awards

125,000

125,000

To be expended under the provisions of the Code of Alabama 1975, as amended, Sections 34-22-60 through 34-22-65.

28. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:

- | | |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program | 233,094 |
| (b) Certified Law Enforcement Academy Program | 785,925 |

Of the above appropriation for the Certified Law Enforcement Academy Program, the \$435,925 of ASETF monies included therein shall be expended as follows:

Mobile Police Training Academy 25,000

Jacksonville State University 118,264

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University of Alabama 118,264
James H. Faulkner Jr.
College 118,264
Troy State University at
Montgomery 56,133
Total 435,925

SOURCE OF FUNDS:

(1) ASETF	669,019		
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Code of Alabama 1975, as amended, Sections 36-21-40 through 36-21- 50		350,000	
Total Alabama Peace Officers' Stand- ards and Training Commission	669,019	350,000	1,019,019

29. POSTSECONDARY EDUCA-
TION DEPARTMENT:

(a) Postsecondary Two-Year Institu- tions Program		3,868,398	
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The proposed spending plan for the
ASETf monies included in the above
program is as follows:

Chancellor's Office
Operations 1,456,283
Program Planning and
Enhancement 995,816
Displaced Homemakers'
Program 150,000
Institutional Building and Equipment
Rental 207,000

SOURCE OF FUNDS:

(1) ASETf	2,809,099		
(2) Federal and Local Funds		1,059,299	
Total Postsecondary Education Department	2,809,099	1,059,299	3,868,398

30. PRORATION PREVENTION
ACCOUNT:

(a) Proration Prevention Account		8,000,000	
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SOURCE OF FUNDS:

(1) ASETf	8,000,000		
Total Proration Prevention Account ..	8,000,000		8,000,000

To be appropriated in accordance with
Act 88-981.

In addition to the above appropriation,
there is hereby conditionally appro-
priated, the sum of \$21,000,000 to be

conditioned on the availability of funds in the ASETF and the approval of the Governor. Said conditional shall be on an equal priority with the conditional appropriations for the Telephone Revolving Fund and the Department of Mental Health and Mental Retardation as provided in this Act. The conditional appropriations for the Telephone Revolving Fund, the Proration Prevention Account and the Department of Mental Health and Mental Retardation shall all be released in full prior to the release of any other conditional appropriations from the ASETF.

31. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):

(a) Retirement Systems Program, Estimated	441,000
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SOURCE OF FUNDS:

(1) ASETF-Employees' Retirement System, Estimated	282,000	
(2) ASETF-Employees' Special Pension, Acts 85-631 and 88-600, Estimated	159,000	
<hr/>		
Total Employees' Retirement System of Alabama (ASETF Share)	441,000	441,000
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32. RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):

(a) Retirement Systems Program, Estimated	223,494,000
(b) Term Life Insurance	3,000,000

Persons eligible for this insurance benefit shall be the following:

- (1) full-time members of the Teachers' Retirement System of Alabama shall be eligible for the full benefit; and,
- (2) part-time members of the Teachers' Retirement System of Alabama shall be eligible for proportional benefit based on the percentage of time each works in relationship to full-time work.

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated	180,237,000
(2) ASETF-Teachers' Special Pension Fund, Estimated	43,257,000

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(3) ASETF-Term Life Insurance	3,000,000	
Total Teachers' Retirement System of Alabama (ASETF Share)	226,494,000	226,494,000

33. ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY:

(a) Special Services Program		1,300,000
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SOURCE OF FUNDS:

(1) ASETF	1,300,000	
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Total Alabama Public School and College Authority	1,300,000	1,300,000
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34. SOCIAL SECURITY (ASETF SHARE):

(a) For State's share of Social Security, Estimated		100,000
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SOURCE OF FUNDS:

(1) ASETF	100,000	
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Total Social Security (ASETF Share)	100,000	100,000
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The above appropriation is to be used for prior period adjustments.

35. TENURE COMMISSION, STATE:

(a) Regulation Program		10,743
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SOURCE OF FUNDS:

(1) ASETF	10,743	
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Total State Tenure Commission	10,743	10,743
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36. TELEVISION COMMISSION, EDUCATIONAL:

(a) Educational Television Program ..		5,573,571
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(b) Public Radio Service Program		374,000
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SOURCE OF FUNDS:

(1) ASETF	4,002,571	
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(2) Federal and Local Funds	1,945,000	
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Total Educational Television Commission	4,002,571	1,945,000	5,947,571
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Of the above appropriation to the Educational Television Commission, \$400,000 shall be used to ti-in the United Star Network.

37. UNEMPLOYMENT COMPENSATION-LOCAL BOARDS:

(a) Financial Assistance Program		850,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	850,000	
Total Unemployment Compensation- Local Boards	850,000	850,000

38. VETERANS' AFFAIRS, DE-
PARTMENT OF:

(a) Administration of Veterans' Af- fairs Program		4,008,808
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SOURCE OF FUNDS:

(1) ASETF-Transfer	4,008,808	
Total Department of Veterans' Affairs	4,008,808	4,008,808

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, as amended, Sections 31-6-1 through 31-6-17.

39. YOUTH SERVICES, DEPART-
MENT OF:

(a) Financial Assistance Program		4,490,455
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The above appropriation for Financial Assistance Program includes \$2,875,753 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, as amended, Sections 44-1-70 through 44-1-77.

SOURCE OF FUNDS:

(1) ASETF	2,875,753	
(2) Federal and Local Funds		1,614,702
Total Department of Youth Services ..	2,875,753	1,614,702
		4,490,455

In addition to the above appropriation, there is hereby appropriated the sum of \$585,000 to be conditioned upon

the availability of funds in the
ASETF and upon approval of the
Governor.

SECTION 4.

COLLEGES, UNIVERSITIES AND
SCHOOLS:

I. BOARD OF TRUSTEES OF UNI-
VERSITY OF ALABAMA:

A. The University of Alabama System

1. Operations and Maintenance and
Program Support for the University
of Alabama

73,930,243 39,953,031 113,883,274

The above amounts shall be distributed
to the following enumerated pro-
grams by the President of the Uni-
versity of Alabama. In addition to
operations and maintenance, the
above funding shall include support
for such entities as: Industrial Man-
agement and Manufacturing Tech-
nology and Magnetic Information
Technology Programs; Center for
Emotionally Disturbed Children;
Alabama Poison Control Center;
Nursing Scholarships; Advocacy
Program for the Developmentally
Disabled; Capstone Medical Center;
Sports Medicine; Alabama Museum
of Natural History; College of Com-
munity Health Sciences; University
Research Library; Research, Exten-
sion and Public Service; School of
Mines and Energy Development;
Computer Research and Develop-
ment; Emergency Medical Services
(Paramedic Training); Rural Infant
Stimulation Environment Program;
High Risk Nursery; Safe State Pro-
gram; Tannehill Learning Center.

2. Operations and Maintenance and
Program Support for the University
of Alabama at Birmingham

111,547,439 298,996,045 410,543,484

The above amounts shall be distributed
to the following enumerated pro-
grams by the president of the Uni-
versity of Alabama at Birmingham.
In addition to operations and main-
tenance, the above funding shall in-
clude support for such entities as:
University College; Family Practice
Residency Programs at Anniston,
East End, Jefferson County, Mont-
gomery, Selma, and Gadsden; School

of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences.

3. Operations and Maintenance and Program Support for University of Alabama in Huntsville

23,869,385 16,162,638 40,032,023

The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama in Huntsville. In addition to operations and maintenance, the above funding includes support for such entities as: School of Primary Medical Care; Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer

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Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

4. Special Mental Health, University of Alabama at Birmingham	3,504,049		3,504,049
5. Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham	707,548		707,548
6. Social Security (FICA)-State Share	22,317,224		22,317,224
7. Auxiliary Enterprises		52,518,727	52,518,727
8. Restricted Funds		131,457,826	131,457,826

SOURCE OF FUNDS:

(1) ASETF	235,875,888		
(2) Other Funds		539,088,267	
Total University of Alabama System	235,875,888	539,088,267	774,964,155

II. BOARD OF TRUSTEES OF ALABAMA A&M UNIVERSITY

A. Alabama A&M University

1. Operations and Maintenance and Program Support	17,124,464	6,251,892	23,376,356
In addition to operations and maintenance, includes support for such entities as: Vocational Teacher Training; Cooperative Extension, Research and Services; Black Archives Museum.			
2. Social Security (FICA)-State Share	1,171,898		1,171,898
3. Auxiliary Enterprises		4,075,000	4,075,000
4. Restricted Funds		8,393,315	8,393,315

SOURCE OF FUNDS:

(1) ASETF	18,296,362		
(2) Other Funds		18,720,207	
Total Alabama A&M University	18,296,362	18,720,207	37,016,569

III. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY

A. Alabama State University

1. Operations and Maintenance and Program Support	17,050,125	7,040,966	24,091,091
2. Social Security (FICA)-State Share	986,616		986,616

3. Auxiliary Enterprises	5,389,960	5,389,960
4. Restricted Funds	3,688,237	3,688,237

SOURCE OF FUNDS:

(1) ASETF	18,036,741	
(2) Other Funds	16,119,163	
Total Alabama State University	18,036,741	34,155,904

IV. STATE BOARD OF EDUCATION

A. Athens State College

1. Operations and Maintenance and Program Support	3,265,982	1,955,698	5,221,680
2. Social Security (FICA)-State Share	306,688		306,688
3. Auxiliary Enterprises		424,250	424,250
4. Restricted Funds		418,018	418,018

SOURCE OF FUNDS:

(1) ASETF	3,572,670	
(2) Other Funds	2,797,966	
Total Athens State College	3,572,670	6,370,636

V. BOARD OF TRUSTEES OF AUBURN UNIVERSITY

A. Auburn University System

1. Operations and Maintenance and Program Support	125,726,741	65,651,034	191,377,775
2. Social Security (FICA)-State Share	8,633,947		8,633,947
3. Auxiliary Enterprises		38,431,300	38,431,300
4. Restricted Funds		48,386,221	48,386,221

SOURCE OF FUNDS:

(1) ASETF	134,360,688	
(2) Other Funds	152,468,555	
Total Auburn University System	134,360,688	286,829,243

VI. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY

A. Jacksonville State University

1. Operations and Maintenance and Program Support	17,882,641	10,093,106	27,975,747
2. Social Security (FICA)-State Share	1,620,637		1,620,637
3. Auxiliary Enterprises		3,200,000	3,200,000

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4. Restricted Funds	4,520,000	4,520,000
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SOURCE OF FUNDS:

(1) ASETF	19,503,278	
(2) Other Funds	17,813,106	
Total Jacksonville State University	19,503,278	37,316,384

**VII. BOARD OF TRUSTEES OF
LIVINGSTON UNIVERSITY**

A. Livingston University

1. Operations and Maintenance and Program Support	5,883,691	1,645,525	7,529,216
2. Social Security (FICA)-State Share	410,005		410,005
3. Auxiliary Enterprises		2,313,355	2,313,355
4. Restricted Funds		130,467	130,467

SOURCE OF FUNDS:

(1) ASETF	6,293,696	
(2) Other Funds	4,089,347	
Total Livingston University	6,293,696	10,383,043

**VIII. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTE-
VALLO**

A. University of Montevallo

1. Operations and Maintenance and Program Support	9,776,533	4,462,964	14,239,497
2. Social Security (FICA)-State Share	698,897		698,897
3. Auxiliary Enterprises		4,551,490	4,551,490
4. Restricted Funds		1,804,383	1,804,383

SOURCE OF FUNDS:

(1) ASETF	10,475,430	
(2) Other Funds	10,818,837	
Total University of Montevallo	10,475,430	21,294,267

**IX. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH ALA-
BAMA**

A. University of North Alabama

1. Operations and Maintenance and Program Support	13,457,168	6,931,830	20,388,998
2. Social Security (FICA)-State Share	1,065,835		1,065,835
3. Auxiliary Enterprises		1,919,217	1,919,217

4. Restricted Funds		566,701	566,701
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SOURCE OF FUNDS:

(1) ASETF	14,523,003		
(2) Other Funds		9,417,748	
Total University of North Alabama	14,523,003	9,417,748	23,940,751

X. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH ALA-
BAMA

A. University of South Alabama

1. Operations and Maintenance and Program Support	41,732,143	105,519,289	147,251,432
2. Social Security (FICA)-State Share	5,829,972		5,829,972
3. Auxiliary Enterprises		8,519,425	8,519,425
4. Restricted Funds		13,625,000	13,625,000

SOURCE OF FUNDS:

(1) ASETF	47,562,115		
(2) Other Funds		127,663,714	
Total University of South Alabama	47,562,115	127,663,714	175,225,829

XI. BOARD OF TRUSTEES OF
TROY STATE UNIVERSITY

A. Troy State University System

1. Operations and Maintenance and Program Support	17,601,118	19,649,902	37,251,020
2. Social Security (FICA)-State Share	1,852,558		1,852,558
3. Auxiliary Enterprises		6,800,470	6,800,470
4. Restricted Funds		1,081,650	1,081,650

SOURCE OF FUNDS:

(1) ASETF	19,453,676		
(2) Other Funds		27,532,022	
Total Troy State University System ...	19,453,676	27,532,022	46,985,698

XII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR
DEAF AND BLIND

(a) Adult Programs	3,352,465	2,635,681	5,988,146
(b) Children and Youth Programs	10,547,535	1,748,136	12,295,671

Of the above appropriation to the Children and Youth Programs, \$100,000 shall be expended for a sensory-impaired program in Mobile County.

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(c) Industries for the Blind	1,543,091	13,400,000	14,943,091
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SOURCE OF FUNDS:

(1) ASETF	15,443,091		
(2) Other Funds		17,783,817	
<hr/>			
Total Alabama Institute for Deaf and Blind	15,443,091	17,783,817	33,226,908

In addition to the above appropriation to the Alabama Institute for Deaf and Blind, there is hereby conditionally appropriated the sum of \$500,000 for operations and maintenance to be conditioned upon the availability of funds in the ASETF and upon the approval of the Governor.

SECTION 5.

In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6.

The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

SECTION 7.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 8.

The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards,

offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1990.

SECTION 9.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, as amended, Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

SECTION 10.

In the event that a court of competent jurisdiction should order the state of Alabama to repay any sales tax paid by any hospital for prescription drugs pursuant to Section 40-23-4.1, Code of Alabama 1975, or in the event negotiations among the interested parties should fail to reach a successful and satisfactory agreement, the Governor is hereby authorized to release funds from the ASETF in an amount sufficient for the repayment of any sales tax refunds. The amount of any such repayment shall be certified as legally due by the Commissioner of Revenue to the Finance Director and the Governor.

SECTION 11.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 12.

This Act shall become effective on October 1, 1989.

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Harper, the House concurred in and adopted the Report of the new Committee on Conference appointed to reconcile the differences between the two Houses on the Senate amendment to the bill, H. 281, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham,

Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 281. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

As thus amended by the Report of the new Committee on Conference was again read at length and passed, and ordered sent to the Senate.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 686. Relating to Perry County; authorizing the county commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage gasoline and motor fuel not to exceed three cents (\$.03) per gallon; providing for the collection and distribution of the tax; and providing for the enforcement of this act.

Also:

H. 688. Relating to Perry County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in the county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

H. 149. Relating to Wilcox County, amending Section 1 of Act No. 642, H. 1110, 1978 Regular Session (Acts 1978, p. 905) which act established

the Wilcox County Law Library Fund, so as to increase certain court costs to be paid to the said Law Library Fund and to the circuit clerk and the county general fund.

Also:

H. 584. Relating to Lauderdale County; to amend Section 1 of Act No. 79-118, H. 382, 1979 Regular Session (Acts 1979, p. 149), so as to provide further for the compensation of election officials.

Also:

H. 633. Relating to Randolph County, prohibiting the county board of education from reacquiring certain property purchased by the North Randolph County Development Association without the payment of fair and reasonable market value.

Also:

H. 673. Relating to Jackson County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in the county, and providing for the collection, enforcement and distribution of the tax.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Barron, Horn, and Drinkard.

McDOWELL LEE,
Secretary.

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE BILL 642

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning House Bill 642, have met in conference and agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TAYLOR HARPER,
JAMES M. CAMPBELL,
GARY WHITE,
Conferees on the Part of the House.

FRED HORN,
LOWELL BARRON,
W. H. DRINKARD,
Conferees on the Part of the Senate.

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management, the Highway Department and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act No. 88-953 passed by the Legislature in the 1988 Second Extraordinary Session is hereby amended to include the following new Section.

Section 8A.

The appropriations made herein from the State General Fund to the following agencies shall be reduced by the following amounts for the fiscal year ending September 30, 1989. Said amounts shall revert to the credit of the State General Fund.

Alabama Development Office	\$200,000
Alabama Forestry Commission	\$366,000
Alabama Historical Commission	\$530,000
Alabama Department of Economic and Community Affairs	\$370,000
Department of Agriculture and Industries	\$150,000
Department of Environmental Management	\$100,000
Bureau of Tourism and Travel	\$100,000
Highway Department	\$100,000

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Harper, the House concurred in and adopted the Report of the Committee on Conference appointed to reconcile the differences between the two Houses on the Senate amendment to the bill, H. 642, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Willis, Wright and Zoghby.

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And the bill:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

As amended by the Report of the Committee on Conference, was again read at length and passed, and ordered sent to the Senate.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston,

Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION TAKEN UP

On motion of Rep. Fuller, the Budget Isolation Resolution relating to the bill, S. 188, which was previously temporarily carried over, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Buskey (JE), Butler, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

And the bill:

S. 188. To amend Sections 11-3-1 and 36-3-4, Code of Alabama 1975, as amended, which provide for the terms of office of county commissioners so as to provide that beginning with the next term of office of each commissioner, such term shall expire six days next following the day of the general election at which the successor to that office is elected and thereafter each such county commissioner shall hold his respective office from 12:01 A.M. of the seventh day next following his election and until his successor is elected and qualified and to provide for a regular meeting of each county commission following the election of any one of its number.

Was read a third time at length and passed.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Sanderford,

Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

H. 125 INDEFINITELY POSTPONED

On motion of Rep. Fuller, the bill:

H. 125. (With Substitute): To amend Sections 11-3-1 and 36-3-4, Code of Alabama 1975, as amended, which provide for the terms of office of county commissioners so as to provide that beginning with the next term of office of each such commissioner, such term shall expire thirteen days from the day of the general election at which the successor to that office is elected and thereafter such county commissioners shall hold their respective offices for four years, or six years if so provided by local law, beginning on the fourteenth day following their election and until their successors are elected and qualified and to provide for a regular meeting of each county commission following the election of any one of its number.

Was indefinitely postponed.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Harvey, the Budget Isolation Resolution and the bill, H. 668, were temporarily carried over.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (D), Budget Isolation Resolution relating to H. B. 58, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Britnell, Brooks, Buskey (JE), Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), Williams, Willis and Zoghby.

—69

And the bill:

H. 58. To amend Sections 41-16-20 and 41-16-24, Code of Alabama 1975, relating to competitive bidding on public contracts, so as to provide further for the minimum amount of certain purchases and contracts that must be subjected to competitive bid procedures.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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CO-SPONSOR ADDED

Rep. Perdue was added as co-sponsor to the bill, H. 58.

H. 565 AGAIN TAKEN UP

And the bill, H. 565 as previously amended, was read a third time at length and passed and ordered sent to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—86

BUDGET ISOLATION RESOLUTION

On motion of Rep. Logan, Budget Isolation Resolution relating to H. B. 285, was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas,

Turner, Turnham, Venable, Walker, Warren, White (F), White (G), Williams, Willis and Zoghby.

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S. 69 SUBSTITUTED FOR H. 285

On motion of Rep. Logan, the bill, S. 69, was substituted for the bill, H. 285.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 114. COMMENDING THE JOHN L. LeFLORE BASKETBALL TEAM ON THE 1989 STATE CLASS 6A BOYS BASKETBALL CHAMPIONSHIP.

Also:

S. J. R. 125. COMMENDING COACH JOHNNY SHELWOOD OF LeFLORE HIGH SCHOOL, MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

S. 69 RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Logan, Budget Isolation Resolution relating to S. B. 69, was adopted.

Yeas 65; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Knight, Kvalheim, Laird, Lindsey, Logan, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Penry, Petelos, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Willis, Wright and Zoghby.

—65

Nays:

Reps. Frazier, Freeman, Hall, Holley, Payne, Poole and Williams.

—7

And the bill:

S. 69. Relating to certain lifetime hunting, fishing, and combination licenses; to amend Section 9-11-65, Code of Alabama 1975, as last amended, relating to certain lifetime resident hunting, fishing, and combination licenses, so as to increase the license fees thereof; to delete certain provisions relating to the voiding of said licenses; and to provide that nonresidents shall not be entitled to said licenses; to amend Section 9-11-49.2, Code of Alabama 1975, as last amended, relating to the treatment of certain nonresidents as residents for procuring certain hunting licenses, so as to provide that nonresidents of Alabama shall not be entitled to those licenses provided for in Section 9-11-65, Code of Alabama 1975.

Was read a third time at length and passed.

Yeas 59; Nays 17.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Buskey (JE), Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Fuller, Grouby, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Hooper, Knight, Kvalheim, Laird, Lindsey, Logan, Mathis, McKee, McMillan, Melton, Moon, Newman, Penry, Petelos, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Wright and Zoghby.

—59

Nays:

Reps. Beers, Brooks, Bugg, Butler, Frazier, Freeman, Gaston, Goodwin, Holley, Johnson (RG), Johnson (RW), McDowell, Payne, Poole, Starkey, Williams and Willis.

—17

H. 285 INDEFINITELY POSTPONED

On motion of Rep. Logan, the bill:

H. 285. Relating to certain lifetime hunting, fishing, and combination licenses; to amend Section 9-11-65, Code of Alabama 1975, as last amended, relating to certain lifetime resident hunting, fishing, and combination licenses, so as to increase the license fees thereof; to delete certain provisions relating to the voiding of said licenses; and to provide that nonresidents shall not be entitled to said licenses; to amend Section 9-11-49.2, Code of Alabama 1975, as last amended, relating to the treatment of certain nonresidents as residents for procuring certain hunting licenses, so as to provide that nonresidents of Alabama shall not be entitled to those licenses provided for in Section 9-11-65, Code of Alabama 1975.

Was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

Rep. Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 287.

MOTION TO CARRY OVER TABLED

On motion of Rep. Fuller, the motion offered by Rep. Hall to carry over the Budget Isolation Resolution and the bill, H. 287, to the thirtieth legislative day, was tabled.

Yeas 38; Nays 37.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Britnell, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Drake, Fuller, Gaston, Goodwin, Hammett, Harvey, Holley, Hooper, Johnson (RW), Kennedy, Marks, Mathis, McMillan, Melton, Newton (C), Parker, Richardson, Slaughter, Starkey, Thomas, Turnham, Venable, Warren, White (L), Williams, Willis and Zoghby.

—38

Nays:

Reps. Adams, Breedlove, Brooks, Bugg, Butler, Carter, Clay, Colvin, Crow, Curry, Ford, Frazier, Freeman, Grayson, Grouby, Hall, Hamilton, Headley, Hogan, Holmes, Johnson (RG), Knight, Laird, Layson, Lindsey, Logan, McKee, Moon, Newman, Newton (D), Payne, Perdue, Poole, Rains, Sanderford, Spratt and White (F).

—37

MOTION TO ADJOURN LOST

The motion offered by Rep. Grayson that the House adjourn until 1:00 o'clock p.m., Tuesday, April 18, 1989, was lost.

Yeas 30; Nays 43.

Yeas:

Reps. Black, Blakeney, Bowling, Brooks, Bryant, Bugg, Clark (W), Crow, Davis, Drake, Escott, Frazier, Goodwin, Grayson, Headley, Hogan, Laird, McDowell, McKee, Melton, Mikell, Newton (D), Parker, Rains, Sanderford, Spratt, Starkey, White (F), Williams and Willis.

—30

Nays:

Mr. Speaker, Beasley, Beers, Blake, Box, Breedlove, Britnell, Butler, Colvin, Cosby, Curry, Ford, Freeman, Fuller, Gaston, Hall, Hamilton, Harvey, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McMillan, Moon, Newman, Newton (C), Payne, Petelos,

Poole, Slaughter, Thomas, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—43

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendments to the following Senate Bill:

S. 522. To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 522. To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION LOST

The question was then on the motion offered by Rep. Fuller to adopt the Budget Isolation Resolution relating to the bill, H. 287, and the Budget Isolation Resolution was lost, lacking a three-fifths vote.

Yeas 40; Nays 37.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Buskey (JL), Campbell, Cosby, Crow, Drake, Ford, Fuller, Gaston, Goodwin, Hammett, Harper, Harvey, Hill, Holley, Hooper, Johnson (RW), Marks, Mathis, McMillan,

Melton, Mikell, Newton (C), Parker, Richardson, Slaughter, Starkey, Thomas, Turnham, Venable, Warren, White (L), Williams, Willis and Zoghby.

—40

Nays:

Reps. Beers, Breedlove, Brooks, Bryant, Bugg, Butler, Clay, Colvin, Curry, Frazier, Freeman, Grayson, Grouby, Hall, Hamilton, Headley, Higginbotham, Hogan, Holmes, Johnson (RG), Knight, Laird, Layson, Lindsey, Logan, McKee, Moon, Newman, Newton (D), Payne, Perdue, Poole, Rains, Sanderford, Spratt, White (F) and White (G).

—37

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Fuller, the Budget Isolation Resolution relating to the bill, H. 288, was temporarily carried over.

MOTION TO ADJOURN LOST

The motion offered by Rep. White (F) that the House adjourn was lost.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Butler, Budget Isolation Resolution relating to H. B. 166, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—79

And the bill:

H. 166. (With Amendment): This bill amends the notifiable disease statute by removing the requirement for a complete physical examination prior to obtaining a marriage license; removes the requirement that all persons confined in a city or county jail be tested for contagious diseases; removes the requirement that a commitment hearing be before a jury; and removes the requirement that the state be responsible for all expenses incurred in the care and treatment of persons with contagious diseases for an unlimited length of time. Provides for the approval of laboratory test for AIDS.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 166, Section 3, page 4, beginning on line 27, by striking the following: ~~for a minimum of 30 consecutive days~~ and inserting in lieu thereof the following: for 30 or more consecutive days

Further amend H. B. 166, Section 4, page 5, line 23, following the period by adding the following: The cost of rooming and boarding such person, other than when confined to his/her own residence, shall be the responsibility of the state.

Further amend H. B. 166, Section 4, page 6, line 4, following the period by adding the following: The cost of rooming and boarding such person, other than when confined to his/her own residence, shall be the responsibility of the state.

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—86

And the bill, H. 166 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Drake, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

—85

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Rep. Mikell, the Budget Isolation Resolution relating to the Bill, H. 268, was carried over to the twentieth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Breedlove, Budget Isolation Resolution relating to H. B. 676, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Escott, Flowers, Frazier, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—74

And the bill:

H. 676. To amend Sections 24-7-1, 24-7-2, 24-7-3, and 24-7-4, Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to define the term "reservation," provide further for the appointment of members of the Authority, delete the reference to the Civil Rights Act of 1968, and provide further for the duties, powers and area of operation of the Authority.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Flowers, Frazier, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—76

Nay: Rep. Holley.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Williams, Budget Isolation Resolution relating to H. B. 731, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers,

Clark (W), Clay, Colvin, Cosby, Curry, Davis, Escott, Flowers, Frazier, Freeman, Grayson, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—72

And the bill:

H. 731. To amend Section 1-3-8 of the Code of Alabama 1975, relating to holidays observed by the state, so as to provide further for such holidays.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Flowers, Frazier, Freeman, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—78

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 110, was adopted.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Frazier, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Perdue, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Willis and Zoghby.

—71

Nay: Rep. Grayson.

—1

And the bill:

H. 110. (With Amendment): To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to

provide for the distribution of interest on such investments, to establish a fund out of a portion of the interest on said investments for the use of such officials, and to specify certain uses and restrictions on said fund.

Was taken up.

SUBSTITUTE OFFERED

Rep. White (L) offered the following substitute to the bill, H. 110 and the pending amendment:

A BILL TO BE ENTITLED AN ACT

To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investments, to establish a fund out of a portion of the interest on said investments for the use of such officials, and to specify certain uses and restrictions on said fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. On and after October 1, 1988, all tax collectors, elected assistant tax collectors, revenue commissioners, license commissioners and other officials charged with assessing and/or collecting ad valorem taxes in the various counties of this State shall invest the ad valorem taxes collected by such officials in short term investments for the period of time between collection of said taxes and distribution of same as required by law. All interest earned on such investments shall be paid into the county general fund for use as determined by the county governing body, except that ten percent (10%) of said interest earned on such investments shall be maintained by the county treasurer in separate funds designated as the special fund of the tax assessor, tax collector, and if elected the assistant tax assessor or assistant tax collector, and the revenue commissioner, license commissioner, or such other official charged with assessing and/or collecting ad valorem taxes by whatever designation, as the case may be; however, any such official who is under a civil service system shall not be entitled to such fund. Such special funds shall not accumulate in excess of \$10,000 during any ad valorem tax year.

Section 2. The special funds herein established shall be used and expended by the officials for which the funds are established by such officials requisitioning expenditures from the fund for the payment of any and all reasonable and necessary expenses incurred in carrying out their official duties, including but not necessarily limited to the following: official educational expenses for such officials and/or their employees; provided, that such funds may not be expended for the usual and ordinary expenses of operating such officials' office otherwise required by law to be furnished by the county governing body.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Perdue, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Willis and Zoghby.

—74

Nay: Rep. Grayson.

—1

And the bill, H. 110 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Willis and Zoghby.

—74

Nay: Rep. Grayson.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 246. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

And said Bill, H. B. 246, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 515, was adopted.

Yeas 70; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Davis, Escott, Frazier, Freeman, Fuller, Grayson, Grouby, Hall, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams and Willis.

—70

Nays: Reps. Gaston, McMillan and Zoghby.

—3

H. 515 CARRIED OVER

On motion of Rep. Harper, the bill, H. 515 and the pending substitute, were carried over to the twentieth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 543, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Escott, Frazier, Freeman, Fuller, Grayson, Grouby, Hall, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McKee, Melton, Mikell, Moon, Newman, Newton (D), Parker, Perdue, Petelos, Poole, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—68

And the bill:

H. 543. (With Amendment): In the event that the Board of Water and Sewer Commissioners of any city ("Commissioners") takes over a Water and Fire Protection Authority's ("Authority") water system, to prohibit the Commissioners from charging customers located within the Authority's territory at rates or for connection fees in excess of the rates or fees charged to customers within the city limits; to increase the membership of the Commissioners' governing board to include the members of the Authority's governing board; to require the Commissioners to establish a \$2,000,000 trust fund for the support and maintenance of the Authority's fire protection system and to provide for the management of said trust; to require the Commissioners to establish an \$8,000,000 escrow account for the purpose of constructing water service improvements within a certain time in the Authority's territory; and to require the Commissioners to construct a sanitary sewer system within a certain time throughout the Authority's territory.

Was taken up:

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 1, in the synopsis, on line 28 after the word "territory" insert:
; and to except the application of this act if the governing board of the authority consents to said acquisition, operation or control of the water system by the commissioners

On page 2, in the title, on line 17 after the word "territory" insert:
; and to except the application of this act if the governing board of the authority consents to said acquisition, operation or control of the water system by the commissioners

On page 8, on line 14, insert the following new Section 6 and renumber the present Section 6 and all subsequent Sections accordingly.

Section 6. The provisions of this act shall not apply in the event the water system that is to be acquired, operated or controlled consents to said acquisition, operation or control by a unanimous vote of the governing board of the Water and Fire Protection Authority.

Said vote shall not be taken until notification of such a vote has been published by the governing board of the Water and Fire Protection Authority in a newspaper of general circulation in the area served by the water system for four weeks and a public hearing regarding said vote is held at the end of said publication period.

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Frazier, Freeman, Fuller, Grouby, Hall, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Perdue, Petelos, Poole, Sanderford, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

And the bill:

H. 543. In the event that the Board of Water and Sewer Commissioners of any city ("Commissioners") takes over a Water and Fire Protection Authority's ("Authority") water system, to prohibit the Commissioners from charging customers located within the Authority's territory at rates or for connection fees in excess of the rates or fees charged to customers within the city limits; to increase the membership of the Commissioners' governing board to include the members of the Authority's governing board; to require the Commissioners to establish a \$2,000,000 trust fund for the support and maintenance of the Authority's fire protection system and to provide for the

management of said trust; to require the Commissioners to establish an \$8,000,000 escrow account for the purpose of constructing water service improvements within a certain time in the Authority's territory; and to require the Commissioners to construct a sanitary sewer system within a certain time throughout the Authority's territory; and to except the application of this act if the governing board of the authority consents to said acquisition, operation or control of the water system by the commissioners.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Frazier, Freeman, Fuller, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

BUDGET ISOLATION RESOLUTION

On motion of Rep. Freeman, Budget Isolation Resolution relating to H. B. 404, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

And the bill:

H. 404. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of its affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION
19th Day

1841

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL), Budget Isolation Resolution relating to H. B. 530, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Frazier, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

S. 309 SUBSTITUTED FOR H. 530

On motion of Rep. Buskey (JL), the bill, S. 309, was substituted for the bill, H. 530.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL), Budget Isolation Resolution relating to S. B. 309, was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Flowers, Frazier, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey,

Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

S. 309 TEMPORARILY CARRIED OVER

On motion of Rep. Buskey (JL), the bill, S. 309, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (JL), Budget Isolation Resolution relating to H. B. 387, was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—89

S. 308 SUBSTITUTED FOR H. 387

On motion of Rep. Buskey (JL), the bill, S. 308, was substituted for the bill, H. 387.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Buskey (JL), the Budget Isolation Resolution and the bill, S. 308, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Haynes, Budget Isolation Resolution relating to H. B. 679, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Clay, Colvin, Cosby, Crow, Curry, Davis, Flowers, Frazier, Freeman, Gaston, Gray, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks,

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Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Thomas, Turnham, Venable, Warren, White (G), Williams, Willis, Wright and Zoghby.

—69

S. 402 SUBSTITUTED FOR H. 679

On motion of Rep. Haynes, the bill, S. 402, was substituted for the bill, H. 679.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Haynes, Budget Isolation Resolution relating to S. B. 402, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—84

S. 402 TEMPORARILY CARRIED OVER

On motion of Rep. Haynes, the bill, S. 402, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution relating to H. B. 156, was adopted.

Yeas 58; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Britnell, Brooks, Bryant, Carothers, Colvin, Cosby, Crow, Curry, Escott, Flowers, Frazier, Gaston, Grayson, Grouby, Hamilton, Hammett, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, Mikell, Moon, Newman, Parker, Payne, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—58

Nays: Reps. McKee, McMillan and Penry.

—3

S. 480 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 480 from the Standing Committee on State Administration to the Standing Committee on Judiciary.

H. 156 RESUMED

And the bill:

H. 156. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Britnell, Brooks, Bryant, Bugg, Carothers, Colvin, Cosby, Escott, Flowers, Frazier, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McMillan, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—58

Nay: Rep. McKee.

—1

CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 156.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution relating to H. B. 157, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Britnell, Brooks, Bryant, Bugg, Carothers, Colvin, Cosby, Curry, Escott, Flowers, Frazier, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (G), Williams, Willis and Zoghby.

—61

And the bill:

H. 157. Proposing an amendment to Article IV, Section 98, Constitution of Alabama, to provide that the legislature shall have the power to provide

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that elected superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.

Was taken up.

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 157:

Amend House Bill No. 157 Page 1 Line 27, as follows: strike the word "elected".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Clark (W), Clay, Colvin, Cosby, Curry, Escott, Flowers, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—73

And the bill, H. 157, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (D), Parker, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—80

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Marks, the Budget Isolation Resolution and the bill, H. 70, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution relating to H. B. 671, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Flowers, Frazier, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Haynes, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Knight, Laird, Logan, Marks, Mathis, McMillan, Newton (C), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Slaughter, Thomas, White (G), Williams, Willis and Zoghby.

—53

And the bill:

H. 671. (With Substitute): To amend Section 5-19-19, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions of the Section concerning the penalties shall be enforced in individual actions.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Banking, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 5-19-19, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions of the Section concerning the penalties shall be enforced in individual actions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 5-19-19, Code of Alabama 1975, is hereby amended to read as follows:

“§5-19-19.

“Any creditor charging a finance charge in excess of the amount authorized herein, except as the result of an accidental and bona fide error in computation, shall forfeit his right to any finance charge, and shall refund to the debtor the total amount of the finance charge, which may be done by reducing the amount of the debtor's principal obligation. If the debtor is entitled to a refund and the creditor refuses to refund within a reasonable time after written demand, the debtor may recover a penalty of either twice the finance charge or 10 times the amount of the excess charge, whichever is greater, but in any event not less than \$100.00, together with a reasonable attorney's fee. If the creditor has made an excess finance charge in deliberate violation of or in reckless disregard for this chapter, the creditor shall have no right to receive or retain the principal or any finance charge whatsoever and the transaction shall be void, provided however, the penalty may be enforced only in an individual action. No action under this section may be brought more than one year after due date of the last scheduled payment of the agreement pursuant to which the charge was made or, in the case of open-end credit plans, one year after the excess charge is made.”

Section 2. The provisions of this section are cumulative to, and not in derogation of, rights under other provisions of state and federal law and

shall not in any way repeal, amend or modify the provisions of Section 8-8-5, Code of Alabama 1975, as amended.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Flowers, Ford, Frazier, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hogan, Holley, Hooper, Johnson (RG), Knight, Laird, Lindsey, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—67

Nay: Rep. Perdue.

—1

And the bill, H. 671, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Flowers, Ford, Frazier, Fuller, Gaston, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Knight, Laird, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Richardson:

H. 990. To make an appropriation of \$150,000 from vehicle inspection fees collected to the Alabama Department of Revenue for operating and maintaining the state vehicle inspection program for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Richardson:

H. 991. To make an appropriation of \$150,000 from vehicle inspection fees collected to the Alabama Department of Revenue for operating and

maintaining the state vehicle inspection program for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Starkey:

H. 992. Exempting tour buses operating in interstate commerce and which do not hold a Certificate of Public Convenience and Necessity or a permit issued by the Alabama Public Service Commission to operate in intrastate from regulation by the Alabama Public Service Commission.

Committee on Business and Labor.

By Rep. Burke (With Notice and Proof):

H. 993. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Valley Head in DeKalb County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 993, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Burke (With Notice and Proof):

H. 994. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hammondville in DeKalb County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 994, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Wright (With Notice and Proof):

H. 995. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application Jerry Frazier to purchase prior service time and to allow such purchase if, in the judgment of the Board of Managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase and to set an effective date.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 995, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Knight (With Notice and Proof):

H. 996. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute the net proceeds of said tax to the county general fund; to provide for

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termination of the tax unless continued at a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 996, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Knight (With Notice and Proof):

H. 997. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute the net proceeds of said tax to the county general fund; to provide for a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 997, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable:

H. 998. Proposing a constitutional amendment, pursuant to Amendment 425 of the Constitution of 1901, relating to Coosa County and the manner and method of compensating associate county commissioners, and providing for the election thereon.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Venable (With Notice and Proof):

H. 999. Relating to Coosa County; amending the Title and Sections 3, 5 and 12 of Act No. 86-239, H. 775 of the Regular Session 1986, (Acts 1986, p. 362) relating to the offices of chairman and associate members of the Coosa County Commission, so as to further provide for the compensation and manner of payment; to provide for the voting status of the judge of probate; to require the commission to authorize travel out of the state only for emergencies and the benefit of the citizens of Coosa County, except for law enforcement traveling on official business or duty; and to provide for the effective operation of the act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 999, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grouby:

H. 1000. To allow survivors of the attack on Pearl Harbor to purchase distinctive motor vehicle license plates or tags; to prohibit the transfer of

such plates; to prescribe the manner of charging for such license plates or tags; and to provide for the duties and powers of the commissioner of revenue and the probate judge or license commissioner.

Committee on Ways and Means.

By Rep. Headley (With Notice and Proof):

H. 1001. Relating to Bibb County, providing for a special recording fee for each document filed for record in the office of the probate judge and providing for the distribution of such fees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1001, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Slaughter (With Notice and Proof):

H. 1002. Relating to Jefferson County; establishing a residency requirement for Jefferson County Commissioners.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1002, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW):

H. 1003. To create the unclassified positions of Director and Assistant Director of the Southern Environmental Enforcement Network (SEEN), to be responsible for the day-to-day management of the SEEN; to designate the Steering Committee of the SEEN as the responsible body for the selection, hiring and termination of the Director and Assistant Director; to provide that the salaries, and any salary increases, of the Director and Assistant Director be approved by the Steering Committee; to provide that the salaries of the Director and Assistant Director be paid from and in accordance with the federal grants awarded by the Environmental Protection Agency; to provide that said positions be abolished once the federal funding for the project is no longer available.

Committee on Constitution and Elections.

By Rep. Turnham:

H. 1004. To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

Committee on Ways and Means.

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By Rep. Turnham:

H. 1005. To exempt from sales and use taxation, any mobile home set-up supplies and materials.

Committee on Ways and Means.

By Rep. Turnham:

H. 1006. Relating to mobile home taxation; to impose a sales and use tax on the sale of any house trailer or mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling house trailers or mobile homes.

Committee on Ways and Means.

By Rep. Hill:

H. 1007. To amend Section 41-9-73, Code of Alabama 1975, as amended, so as to increase the annual appropriations to the Board of Adjustment for payment of claims and death benefits.

Committee on Ways and Means.

By Rep. McMillan and Penry:

H. 1008. To amend Section 9-12-54.6, Code of Alabama 1975, relating to bait shrimping, so as to allow for the inclusion of the Blakely River, Baldwin County, Alabama, to a list of areas in which bait shrimping may take place year around and to repeal Sections 9-12-54.1, 9-12-54.2, 9-12-54.3, 9-12-54.4, 9-12-54.5, and 9-12-54.7, Code of Alabama 1975, which relate to live bait shrimping.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Freeman and Butler:

H. 1009. To amend Section 11-89A-6, Code of Alabama 1975, relating to solid waste disposal authorities, so as to provide that the board of directors consisting of three members may be expanded to consist of either five or seven members total; to provide for the terms of any additional members; and to provide for an effective date of this act.

Committee on Ways and Means.

By Reps. Bowling, Britnell, and Drake:

H. 1010. To amend Section 40-28-3, Code of Alabama 1975, which provides for the distribution of the in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to provide further for the distribution to counties.

Committee on Ways and Means.

By Reps. Johnson (RW), White (L), and Turner:

H. 1011. To propose a constitutional amendment authorizing the legislature to enact laws regulating costs and charges of court in certain political

subdivisions; to validate certain prior acts and actions taken pursuant thereto; and to prohibit retroactive levy and collection of said costs and charges.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Hill and Knight (With Notice and Proof):

H. 1012. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1012, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holmes (With Notice and Proof):

H. 1013. Relating to Montgomery County; levying a leasing and rental tax on motor vehicles and providing for the collection and distribution of said tax; and providing for certain exemptions.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1013, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Willis, Crow, and Campbell:

H. 1014. Proposing an amendment to the Constitution of Alabama of 1901, providing for fire protection districts in Calhoun County and the financing of such districts through the levy and collection of additional property taxes in such districts.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Newton (C) (With Notice and Proof):

H. 1015. To authorize the Butler County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1015, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

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By Reps. Lindsey and Butler:

H. 1016. To amend Section 32-6-130, Code of Alabama 1975, which provides for the issuance of special license plates for disabled veterans, so as to provide further for said special license plates.

Committee on Ways and Means.

By Rep. Lindsey and Butler:

H. 1017. To amend Section 32-6-130, Code of Alabama 1975, which provides for the issuance of distinctive license plates for disabled veterans, so as to provide that State Commanders of the disabled veterans, the American Legion, and the Veterans of Foreign Wars shall be entitled to receive distinctive license plates at no cost.

Committee on Ways and Means.

By Rep. Lindsey:

H. 1018. To amend Section 32-6-130, Code of Alabama 1975, which provides for the issuance of distinctive license plates for disabled veterans, so as to provide further for said plates and to provide that State Commanders of the disabled veterans, the American Legion, and the Veterans of Foreign Wars shall be entitled to receive distinctive license plates at no cost.

Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 69. Relating to certain lifetime hunting, fishing, and combination licenses; to amend Section 9-11-65, Code of Alabama 1975, as last amended, relating to certain lifetime resident hunting, fishing, and combination licenses, so as to increase the license fees thereof; to delete certain provisions relating to the voiding of said licenses; and to provide that nonresidents shall not be entitled to said licenses; to amend Section 9-11-49.2, Code of Alabama 1975, as last amended, relating to the treatment of certain nonresidents as residents for procuring certain hunting licenses, so as to provide that nonresidents of Alabama shall not be entitled to those licenses provided for in Section 9-11-65, Code of Alabama 1975.

Also:

S. 188. To amend Sections 11-3-1 and 36-3-4, Code of Alabama 1975, as amended, which provide for the terms of office of county commissioners so as to provide that beginning with the next term of office of each commissioner, such term shall expire six days next following the day of the general election at which the successor to that office is elected and thereafter each such county commissioner shall hold his respective office from 12:01 A.M. of the seventh day next following his election and until his successor is elected and qualified and to provide for a regular meeting of each county commission following the election of any one of its number.

Also:

S. 451. Relating to Pike County, to authorize the county board of health to designate the services rendered by the County Health Department

for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

S. 472. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

Also:

S.J.R. 116. CONGRATULATING ROBERT JACKSON RUSSELL ON HIS APPOINTMENT TO THE ALABAMA COURT OF CIVIL APPEALS.

Also:

S. J. R. 118. MEMORIALIZING THE U.S. CONGRESS TO ENACT LEGISLATION ELIMINATING TURTLE EXCLUDER DEVICES WHICH HAVE DETRIMENTAL EFFECTS ON OUR SHRIMPING INDUSTRY.

Also:

S. J. R. 120. COMMENDING THE MOBILE POLICE DEPARTMENT "OFFICER OF THE YEAR," CORPORAL RAY ROBERTSON.

Also:

S. J. R. 121. CONGRATULATING FRANCES CLARK, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

S. J. R. 122. CONGRATULATING HELEN WISPER, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

S. J. R. 123. CONGRATULATING MARY BRIERS, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

S. J. R. 124. CONGRATULATING ANNE MCGRUDER, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

S. J. R. 126. COMMENDING THE OCCIDENTAL CHEMICAL CORPORATION MOBILE PLANT AND EMPLOYEES ON 25 YEARS OF SUCCESSFUL OPERATION.

Also:

S. J. R. 130. COMMENDING ROBERT B. CRUMPTON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

S. J. R. 131. DESIGNATING THE FYFFE, ALABAMA, AREA AS THE UFO CAPITAL OF ALABAMA.

Also:

S. J. R. 132. COMMENDING RUSSELL ELDERED SUMMERLIN OF CLAY CO. ALABAMA, AND REQUESTING THAT HE BE PROMOTED BY THE GOVERNOR TO THE HONORARY RANK OF MAJOR GENERAL IN THE ALABAMA MILITIA.

Also:

S. J. R. 136. COMMENDING THE AUBURN UNIVERSITY LADY TIGERS ON THEIR OUTSTANDING ACCOMPLISHMENTS OF THE 1988-89 BASKETBALL SEASON.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Ford and Colvin:

H. J. R. 362. COMMENDING PENNY MINCE OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature joins the Gadsden community in congratulating Penny Mince as the recipient of an all-expense paid trip to attend a special week-long Congressional Seminar in Washington, D. C.; and

WHEREAS, Penny, who was sponsored by the Gadsden Linde Division of Union Carbide, was selected from among six finalists for her essay and oral presentation, "Rights and Responsibilities of American Citizens," will join other high school juniors from throughout the nation, as guests of Union Carbide, to participate in this fine program administered by the Washington Workshops Foundation; and

WHEREAS, Penny, the daughter of Mr. and Mrs. Durwood Mince, is a student at Litchfield High School where she is a member of Pi Delta Phi Sorority and F.B.L.A., among other academic and extracurricular involvements; and

WHEREAS, Penny Mince is indeed one of Gadsden's and our State's most outstanding young citizens and it is our great pleasure to commend her on her accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Miss Penny Mince of Gadsden, Alabama, and do further direct that she be presented with a copy of this resolution of highest honor and esteem.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 362, was adopted.

Also:

By Rep. Newton (D):

H. J. R. 363. WHEREAS, having attended the barbecue by the Junior College Association and noticing the deplorable condition of the Confederate Flag flying atop of the Capitol Building, the said flag being torn and tattered and a disgrace to all those who love and honor the flag, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the flag be taken down for complete repair and not returned to its position until inspected and approved by the sponsor of this resolution.

On motion of Rep. Newton (D), the rules were suspended and the resolution, H. J. R. 363, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Ford and Colvin:

H. R. 364. COMMENDING PENNY MINCE OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Butler:

H. R. 365. MOURNING THE DEATH OF JERRY W. HEDDLERSON OF HUNTSVILLE, ALABAMA.

Also:

By Rep. Butler:

H. R. 366. MOURNING THE DEATH OF JIMMIE RAY SANDLIN OF MADISON, ALABAMA.

Also:

By Rep. Butler:

H. R. 367. MOURNING THE DEATH OF ROBERT V. MACK OF HUNTSVILLE, ALABAMA.

H. J. R. 363 RECONSIDERED

Having voted on the prevailing side, Rep. Payne offered the motion to reconsider the vote by which the resolution, H. J. R. 363, was adopted, and the motion to reconsider was adopted.

Yeas 60; Nays 15.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Breedlove, Brooks, Butler, Campbell, Carothers, Colvin, Cosby, Crow, Curry, Drake, Flowers, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Marks, Mathis, McKee, McMillan, Mikell,

REGULAR SESSION
19th Day

1857

Moon, Newman, Newton (D), Parker, Payne, Penry, Poole, Rains, Sanderford, Slaughter, Turnham, Venable, Warren, White (F), White (G), White (L), Williams and Willis.

—60

Nays:

Reps. Black, Bryant, Buskey (JE), Buskey (JL), Clark (W), Escott, Grayson, Holmes, Kennedy, McClain, McDowell, Melton, Perdue, Rogers and Spratt.

—15

And the resolution, H. J. R. 363, was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11.

By Rep. McClain:

H. R. 368. CONGRATULATING MRS. MAMIE BROWN ON THE OCCASION OF HER 100TH BIRTHDAY.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 6:05 P.M. on April 13, 1899.

H. J. R. 169

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Payne, the House adjourned until 1:00 o'clock p.m., Tuesday, April 18, 1899.

Yeas 38; Nays 26.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Colvin, Cosby, Crow, Davis, Frazier, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Lindsey, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Rains, Sanderford, Thomas, Venable, Warren, White (G), White (L), Williams and Willis.

—38

Nays:

Reps. Box, Bugg, Butler, Curry, Escott, Freeman, Gaston, Grayson, Grouby, Hall, Headley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Laird, Marks, McDowell, McMillan, Newton (D), Rogers, Slaughter, Spratt, Turnham and Zoghby.

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TWENTIETH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 18, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Lewis Spratt, Birmingham, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Crystal Newman, Lamar, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the nineteenth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the nineteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the nineteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Marks, leave of absence was granted for Rep. Dillard.

At the request of Rep. Drake, leave of absence was granted for Rep. Coburn.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 543. In the event that the Board of Water and Sewer Commissioners of any city ("Commissioners") takes over a Water and Fire Protection Authority's ("Authority") water system, to prohibit the Commissioners from charging customers located within the Authority's territory at rates or for connection fees in excess of the rates or fees charged to customers within the city limits; to increase the membership of the Commissioners' governing board to include the members of the Authority's governing board; to require the Commissioners to establish a \$2,000,000 trust fund for the support and maintenance of the Authority's fire protection system and to provide for the management of said trust; to require the Commissioners to establish an \$8,000,000 escrow account for the purpose of constructing water service improvements within a certain time in the Authority's territory; and to require the Commissioners to construct a sanitary sewer system within a certain time throughout the Authority's territory; and to except the application of this act if the governing board of the authority consents to said acquisition, operation or control of the water system by the commissioners.

TOMMY CARTER,
Chairman.

And the bill, H. 543 as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 369. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special, paramount and continuing order of business for the 20th legislative day, Tuesday, April 18, 1989, taking precedence over the regular order of business, any unfinished business, and the call of the districts for introduction of bills and resolutions, and continuing on subsequent legislative days until such time as said bills are disposed of:

Report of Standing Committees

Uncontested Local Bills

And the following Bills:

Inst Id	Page
<u>H. 989</u> —By Harper	208
Hazardous waste generated outside st., imposition, levy collection reg. Act 88-872, 1988 1st sp. sess, amd.	
<u>H. 985</u> —By Harper	208
Hazardous wastes disposal, fee alt., Act 88-872, 1st special sess. 1988 amd.	

H. 988—By Petelos

218

Environmental Management Dept., req. adopt solid waste management plan, moratorium placed on solid waste facilities.

On motion of Rep. Carter, the resolution, H. R. 369, was adopted.

BILLS ON SECOND READING

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 557. To amend Section 11-41-1 of the Code of Alabama 1975, relating to incorporation of a municipality, so as to provide further for such incorporation.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1011. (With Amendment): To propose a constitutional amendment authorizing the legislature to enact laws regulating costs and charges of court in certain political subdivisions; to validate certain prior acts and actions taken pursuant thereto; and to prohibit retroactive levy and collection of said costs and charges.

The above bill was read a second time at length as required by the Constitution.

H. 520. (With Amendment): To propose an amendment to the Constitution providing that regular sessions in all even-numbered years shall be limited to subjects pertaining to local legislation and matters of the budgets and to set the duration of said sessions.

The above bill was read a second time at length as required by the Constitution.

Rep. Marietta, Chairman of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 286. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 858. Relating to Morgan County, providing further for expense allowances for the chairman and associate commissioners of the county commission.

H. 999. Relating to Coosa County; amending the Title and Sections 3, 5 and 12 of Act No. 86-239, H. 775 of the Regular Session 1986, (Acts 1986, p. 362) relating to the offices of chairman and associate members of the Coosa County Commission, so as to further provide for the compensation and manner of payment; to provide for the voting status of the judge of probate; to require the commission to authorize travel out of the state only for emergencies and the benefit of the citizens of Coosa County, except for law enforcement traveling on official business or duty; and to provide for the effective operation of the act.

H. 1014. Proposing an amendment to the Constitution of Alabama of 1901, providing for fire protection districts in Calhoun County and the financing of such districts through the levy and collection of additional property taxes in such districts.

The above bill was read a second time at length as required by the Constitution.

H. 1015. To authorize the Butler County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 875. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

H. 920. Relating to Jefferson County; to further amend Section 22 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for additional time for appointed hearing officers to submit finding of fact and law to the personnel board and for the personnel board so to act on such findings, and to provide for related matters.

H. 922. Relating to Jefferson County; to further amend Section 19 of an act designated as Act No. 248 of the Regular Session of the Legislature

of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a countywide civil service system; to provide for leaves of absence and vacation for permanent employees holding full-time positions under jurisdiction of this act at the option of the appointing authority, and to provide for related matters.

Rep. Holmes, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 918. Relating to Montgomery County; providing that the county commission shall appoint the county administrator; providing for the manner of appointing the assistant county administrator; removing the county administrator and the assistant county administrator from the merit system; repealing conflicting laws.

H. 919. Relating to Montgomery County; amending Section 1 of Act No. 87-748, H. 1051 of the 1987 Alabama Legislature (Acts 1987, p. 1472), providing for the release of certain persons from legal custody who own equitable interest in real estate of the county, so as to further provide for persons who can post bail or appeal bonds using certain real estate equitable interest.

H. 611. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act No. 356 of the Legislature of Alabama of 1973 to increase the maximum retirement allowance credit from 30 to 40 years of creditable service; to amend Section 1 of Act No. 618 of the Legislature of Alabama of 1977 to equalize the reemployment repayment provisions for the restoration of creditable service credit; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to increase the maximum annual service retirement allowance from 12 times sixty per centum to 12 times eighty per centum of the members' average monthly compensation, to reduce the creditable service required for vesting from 15 to 10 years and to remove special retirement restrictions for members who have attained the age of 70.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 601. Relating to Cleburne County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

H. 986. Relating to Cherokee County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Leesburg, in Cherokee County, Alabama.

H. 996. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute the net proceeds of said tax to the county general fund; to provide for termination of the tax unless continued at a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

H. 1001. Relating to Bibb County, providing for a special recording fee for each document filed for record in the office of the probate judge and providing for the distribution of such fees.

H. 1012. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Carter, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 62. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON HEALTH INSURANCE FOR STATE EMPLOYEES AND TEACHERS.

On motion of Rep. Johnson (RW), the resolution, S. J. R. 62, was temporarily carried over.

SPECIAL ORDER

The House then proceeded to the consideration of the Special Order.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution relating to S. B. 506, was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Box, Breedlove, Brooks, Buskey (JE), Buskey (JL), Campbell, Carothers, Clay, Cosby, Curry, Flowers, Freeman, Fuller, Grouby, Hall, Hammett, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Knight, Laird, Marks, Mathis, Melton, Payne, Thomas, Turner, Turnham, Warren, White (F), Williams and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 506. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

Was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Curry, Flowers, Freeman, Fuller, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Thomas, Turner, Turnham, White (F), White (G), White (L), Willis, Wright and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to S. B. 569, was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams, Box, Breedlove, Britnell, Brooks, Bugg, Carothers, Clay, Curry, Flowers, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Haynes, Higginbotham, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Laird, Lindsey, Logan, Marks, Mathis, McKee, Melton, Moon, Parker, Payne, Poole, Sanderford, White (L) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 569. Relating to Chambers County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Box, Breedlove, Brooks, Carothers, Flowers, Freeman, Fuller, Gaston, Hall, Harvey, Haynes, Hill, Holmes, Johnson (RG), Logan, Marks, Mathis, McKee, Melton, Moon, Newton (C), Parker, Payne, Poole, Sanderford, Seibels, White (F) and Zoghby.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Ford, the Budget Isolation Resolution and the bill, S. B. 577, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution relating to H. B. 902, was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Box, Breedlove, Britnell, Buskey (JE), Buskey (JL), Carothers, Carter, Clay, Flowers, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Haynes, Higginbotham, Holmes, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Mathis, McKee, Moon, Newton (C), Payne, Poole, Thomas, Turnham, White (F), White (G), Williams, Willis and Wright.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 902. Relating to Russell County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Campbell, Carothers, Cosby, Crow, Drake, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Mathis, McKee, Melton, Newton (C), Parker, Payne, Poole, Sanderford, Thomas, Warren, White (F), White (G), White (L) and Willis.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marks, Budget Isolation Resolution relating to H. B. 906, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Britnell, Brooks, Bryant, Carothers, Clay, Curry, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, Mathis, McKee, Moon, Newton (C), Parker, Payne, Poole, Sanderford, Thomas, White (G) and Willis.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 906. Relating to Morgan County; providing for an additional expense allowance for the court reporter of the Eighth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Box, Breedlove, Brooks, Bryant, Bugg, Carothers, Curry, Gaston, Grouby, Haynes, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, Mathis, McKee, Melton, Parker, Payne, Poole, White (F), White (G), White (L), Williams, Willis and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Drake, Budget Isolation Resolution relating to H. B. 914, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Britnell, Brooks, Bugg, Carothers, Curry, Drake, Freeman, Gaston, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, Mathis, Melton, Moon, Newton (C), Parker, Payne, Perdue, Poole, Sanderford, Thomas, White (G), Williams, Willis and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for a retroactive effective.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Bowling, Brooks, Bryant, Carothers, Carter, Curry, Drake, Freeman, Fuller, Grouby, Haynes, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Marks, Mathis, Melton, Moon, Newton (C), Parker, Payne, Perdue, Poole, Sanderford, Thomas, Williams and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to H. B. 927, was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Britnell, Bryant, Campbell, Carothers, Crow, Curry, Flowers, Freeman, Fuller, Grouby, Hamilton, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Logan, Marks, Mathis, Melton, Newton (C), Parker, Payne, Perdue, Poole, Thomas, White (F), White (G), White (L), Williams, Willis and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 927. Relating to Lowndes County, amending Act No. 166, H. 137, 1961 Regular Session, which levies a sales tax, so as to provide further for the distribution of the tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Box, Breedlove, Brooks, Bryant, Campbell, Carothers, Clay, Crow, Curry, Flowers, Freeman, Fuller, Hall, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Laird, Marks, Mathis, Melton, Moon, Newton (C), Parker, Payne, Perdue, Poole, Sanderford, Thomas, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Headley, Budget Isolation Resolution relating to H. B. 811, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Breedlove, Brooks, Campbell, Carothers, Clay, Crow, Curry, Flowers, Gaston, Grouby, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Marks, Mathis, Moon, Newton (C), Parker, Payne, Perdue, Poole, Richardson, Sanderford, Seibels, Thomas, White (F), White (G), White (L), Willis and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 811. Relating to Chilton County, providing for a special recording fee for each document filed for record in the office of the probate judge and to provide for the distribution of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Brooks, Bryant, Buskey (JE), Carothers, Crow, Curry, Flowers, Fuller, Goodwin, Hammett, Haynes, Headley,

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Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Moon, Newton (C), Parker, Payne, Perdue, Poole, Richardson, Seibels, Thomas, White (F), White (G), White (L), Willis and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to H. B. 928, was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Clay, Curry, Freeman, Fuller, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Marks, Mathis, Melton, Moon, Newton (C), Payne, Perdue, Richardson, Sanderford, Thomas, White (G), White (L) and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 928. Relating to Lowndes County; to amend Section 12 of Act No. 87-620, H. 1088 of the 1987 Regular Session (Acts 1987, p. 1097), as amended, which levies an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes thereof so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Carothers, Clay, Freeman, Fuller, Hall, Hamilton, Harvey, Higginbotham, Hill, Holmes, Knight, Marks, Mathis, Melton, Newton (C), Parker, Payne, Perdue, Petelos, Sanderford, Thomas, Turner, White (F), White (G) and White (L).

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTIONS TEMPORARILY CARRIED OVER

On motion of Rep. Thomas, the Budget Isolation Resolution and the bill, H. 930, were temporarily carried over.

On motion of Rep. Blakeney, the Budget Isolation Resolution and the bill, H. 934, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Breedlove, Budget Isolation Resolution relating to H. B. 970, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Carothers, Clay, Crow, Curry, Flowers, Freeman, Fuller, Grouby, Hall, Hamilton, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Moon, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Thomas, Turnham, White (F), White (G), White (L) and Willis.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 970. Relating to Washington County, providing further for the compensation of the district judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 21; Nays 0.

Yeas:

Reps. Box, Breedlove, Buskey (JE), Clay, Drake, Flowers, Freeman, Fuller, Gaston, Hall, Holley, Holmes, Johnson (RW), Kvalheim, McMillan, Richardson, Sanderford, Thomas, Turnham, White (F) and White (L).

—21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to H. B. 929, was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Bryant, Buskey (JL), Carothers, Clay, Crow, Curry, Drake, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Haynes, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Marks, Mathis, McMillan, Moon, Newton (C), Parker, Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Thomas, White (G) and Willis.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 929. Relating to Lowndes County; to amend Section 6 of Act No. 87-523, H. 1090 of the 1987 Regular Session (Acts 1987, p. 791) which levies a county privilege, license or excise tax on tobacco and certain tobacco products so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Breedlove, Brooks, Buskey (JE), Carothers, Clay, Curry, Freeman, Fuller, Goodwin, Grouby, Hall, Hamilton, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Marks, Mathis, McMillan, Moon, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Starkey, Thomas, White (F), White (G), White (L) and Willis.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution relating to H. B. 978, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beers, Britnell, Brooks, Buskey (JE), Buskey (JL), Carothers, Carter, Clay, Crow, Curry, Flowers, Ford, Freeman, Fuller, Goodwin, Hall, Hamilton, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Mathis, Moon, Newton (D), Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Starkey, Thomas, Turnham, White (G) and Willis.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 978. Relating to redeeming lands for taxes in Coffee County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clay, Crow, Curry, Flowers, Freeman, Fuller, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Marks, Mathis, McKee, Moon, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Starkey, Thomas, Turnham, Warren, White (G) and Willis.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution relating to H. B. 979, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clay, Curry, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Mathis, Moon, Newton (C), Perdue, Petelos, Poole, Richardson, Sanderford, Starkey, Thomas and Warren.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 979. Relating to collection and distribution of casual sales and use taxes in Coffee County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Box, Breedlove, Brooks, Bryant, Bugg, Carothers, Crow, Curry, Flowers, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Mathis, McMillan, Moon, Newton (C), Penry, Petelos, Poole, Rains, Richardson, Seibels, Starkey, Thomas, Turner, Turnham, Warren, White (G) and Willis.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution relating to H. B. 980, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clay, Curry, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Starkey, Thomas, Turner, Warren and White (G).

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 980. (With Amendment): Relating to Coffee County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the Revenue Commissioner to the Probate Judge requiring an additional bond of the Probate Judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 980, Page 4, Section 6, by deleting Lines 9 through 11 in their entirety and inserting in lieu thereof the following language:

collect and deposit into the general fund of Coffee County five percent of the amount of city taxes collected for assessing and collecting such taxes and he shall deduct such amount from the total amount collected before

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Clay, Curry, Fuller, Gaston, Goodwin, Grouby, Harvey, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Mathis, McMillan, Payne, Penry, Poole, Richardson, Sanderford, Starkey, Thomas, Turner, White (G) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 980 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clay, Curry, Freeman, Fuller, Goodwin, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Logan, Mathis, Moon, Newton (C), Payne, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Thomas and White (G).

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to S. B. 494, was adopted.

Yeas 39; Nays 1.

Yeas:

Mr. Speaker, Adams, Black, Britnell, Bryant, Buskey (JL), Carothers, Clay, Curry, Drake, Flowers, Freeman, Gaston, Goodwin, Hall, Hamilton, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Layson, Logan, Mathis, McKee, Moon, Newton (C), Petelos, Poole, Richardson, Seibels, Starkey, Thomas, Turner, Turnham and Warren.

—39

Nay: Rep. Box.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 494. Relating to the City of Mobile, to amend Act No. 651, H. 377, 1975 Regular Session, as amended, which provides for a retirement system for elected officials, so as to provide further for eligibility of benefits.

Was read a third time at length and passed.

Yeas 47; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Black, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clay, Curry, Flowers, Freeman, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, Mathis, McKee, Moon, Newton (C), Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Starkey, Thomas, Turner, Turnham, White (G) and Zoghby.

—47

Nay: Rep. Box.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (C), Budget Isolation Resolution relating to H. B. 865, was adopted.

Yeas 40; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clay, Curry, Flowers, Fuller, Gaston, Goodwin, Hall,

Hamilton, Higginbotham, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Marks, Mathis, Moon, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Starkey, Thomas, Turnham and White (G).

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 865. (With Amendment): Relating to Crenshaw County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 865, Page 1, in the Title, Line 13, after the word "sales" by inserting the following: and use

Further amend on Line 14, after the word "sales" by inserting the following: and use

Further amend at the beginning of Line 15 by striking ~~40-23-3 and 40-23-4~~, and inserting the following: 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63.

Further amend H. B. 865, Page 2, Section 1, immediately following Line 11 by inserting the following new subsection:

(5) State use tax. The tax imposed by the state use tax statutes.

Further amend on Line 16 after the word "sales" by inserting the following: and use

Further amend on Line 18 after the word "be" by striking the following: ~~and within specified areas~~

Further amend on Line 33 after the word "sales" by inserting the following: and use

Further amend H. B. 865, Page 3, Line 12, after the word "sales" by inserting the following: and use

Further amend on Line 13, after the words "amount of" by striking the following: ~~the state sales~~

Further amend on Line 16, after the word "sales" by inserting the following: and use

Further amend H. B. 865, Page 4, Line 31, after the word "sales" by inserting the following: and use

Further amend H. B. 865, Page 5, Line 6, after the word "sales" by inserting the following: and use

Further amend on Line 8, after the word "state" by striking ~~sales~~

Further amend on Line 11, after the word "sales" by inserting the following: and use

Further amend on Line 12, after the word "sales" by inserting the following: and use

Further amend on Line 20, after the word "sales" by inserting the following: and use

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clay, Flowers, Freeman, Goodwin, Hall, Hamilton, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Kvalheim, Logan, Mathis, McMillan, Moon, Newton (C), Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Starkey, Thomas, Turner, Turnham, White (G), Williams and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 865. Relating to Crenshaw County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Curry,

Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Mathis, Moon, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Seibels, Starkey, Thomas, Turner, Turnham, White (G), Williams and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Willis, Budget Isolation Resolution relating to H. B. 931, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Clay, Curry, Flowers, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Knight, Logan, Marks, Mathis, McMillan, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Starkey, Thomas, White (G), Williams, Willis and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 931. Relating to Calhoun County, Alabama, to allow, in addition to the uses now otherwise allowed, the use of funds collected or obtained pursuant to the provisions of Title 11, Subtitle 3, Chapter 98, Code of Alabama 1975, by communications districts in said county, for the purchasing of road and street signs necessary for roads and streets which are renamed in order to establish E 911 service; due to the local needs of Calhoun County not having been otherwise provided by for other legislation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beers, Box, Breedlove, Britnell, Brooks, Campbell, Carothers, Clay, Curry, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McKee,

Moon, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Starkey, Thomas, Warren, White (G), Williams, Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 958, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Clay, Curry, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Starkey, Thomas, Turnham, Warren, White (G), Williams and Zoghby.

—54

And the bill:

H. 958. Relating to Chambers County; providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Clay, Curry, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Marks, Mathis, McMillan, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Starkey, Thomas, Warren, White (G) and Williams.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 959, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Carter, Clay, Curry, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Mathis, McMillan, Moon, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Starkey, Thomas, Turnham, White (G) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 959. Relating to Chambers County, authorizing the county commission to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow it to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county, and authorizing the county commission to promulgate all necessary or appropriate rules and regulations for the implementation and enforcement of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Campbell, Carothers, Carter, Clay, Curry, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Harper, Haynes, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 960, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Carothers, Carter, Clay, Curry, Escott, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Haynes, Headley, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson,

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Logan, Marks, Mathis, McClain, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Thomas, White (G), Williams and Zoghby.

—58

And the bill:

H. 960. To levy and impose on lessors or renters of tangible personal property in Chambers County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property to be deposited into the general fund of the county treasury for the use of Chambers County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Campbell, Carothers, Carter, Clay, Curry, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McClain, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Thomas, Turner, Warren, White (G) and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 961, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Campbell, Carothers, Clay, Curry, Escott, Freeman, Gaston, Goodwin, Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Thomas, Warren, White (G), Williams and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 961. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the

sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

Was taken up.

AMENDMENT OFFERED

Rep. Fuller offered the following amendment to the bill, H. 961:

Amend H. B. 961, Section 2, Page 2, line 25, by deleting the language immediately following the word "the" which reads "~~adoption of a resolution by the Chambers County Commission~~" and inserting in place thereof the following language to read:

passage of this act

further amend H. B. 961, Section 4, Page 3, line 21, by deleting the word "~~five~~" immediately after the word "exceed" and preceding the language "percentum" and inserting in place thereof the word ten

further amend H. B. 961, Section 4, Page 3, line 21, by deleting the number "~~5~~" and inserting in place thereof the number 10

further amend H. B. 961, Section 5, Page 3, line 24, by inserting immediately following the number "5." and preceding the word "The" the following new language to read:

It shall be the duty of the county commission of Chambers County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is levied herein and to make any and all rules and regulations necessary and proper for the collection of such tax. Upon resolution of the Chambers County Commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. Said resolution must be submitted to the department of revenue, and received and approved by the department of revenue at least two months prior to the effective date of the collection and administration of the tax levied herein, as set by the Chambers County Commission.

further amend H. B. 961, Section 5, Page 3, line 27, by inserting immediately after the word "revenue" and preceding the word "shall" the following new language to read:

, if directed and authorized, by resolution of the Chambers County Commission, to collect and administer all county privilege, license, or excise taxes levied under the provisions of this act, for as long as the department of revenue is directed to collect said levies,

further amend H. B. 961, Section 5, Page 3, line 33, by inserting the following new language immediately after the period to read:

In accordance with Section 40-25-2(g), in the event the aforementioned tobacco stamps are not available, for affixing to tobacco products packages and containers, the commissioner of revenue may require a monthly report in lieu of stamps to report the amount of tax due. Said monthly report shall be in a form approved by the commissioner of revenue, and adopted by the department of revenue under the provisions of the

Alabama Administrative Procedures Act, Title 41 Chapter 22, Code of Alabama 1975.

further amend H. B. 961, Section 6, Page 4, line 1, by inserting immediately after the word "revenue" and preceding the word "is" the following new language to read:

if directed and authorized, by resolution of the Chambers County Commission, to collect and administer all county privilege, license, or excise taxes levied under the provisions of this act, for as long as the department is directed to collect said levies,

further amend H. B. 961, Section 11, Page 4, line 32, by deleting the language immediately after the word "effective" and preceding the word "following" the following language which reads:

~~"on the first day of the third month"~~

and inserting in place thereof the word immediately

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Carothers, Curry, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Headley, Hill, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Warren, White (G), Williams and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 961 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Box, Breedlove, Brooks, Campbell, Carothers, Clay, Drake, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Headley, Higginbotham, Hill, Holley, Johnson (RW), Kennedy, Logan, Marks, Mathis, Melton, Moon, Newton (C), Parker, Payne, Petelos, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Thomas and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moon, Budget Isolation Resolution relating to H. B. 984, was adopted.

Yeas 48; Nays 0.

Yeas:

Reps. Beers, Black, Box, Breedlove, Brooks, Bryant, Bugg, Campbell, Carothers, Clay, Curry, Drake, Escott, Freeman, Gaston, Goodwin, Hall, Hamilton, Headley, Higginbotham, Hill, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, Melton, Moon, Parker, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (G) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Campbell, Carothers, Clay, Curry, Drake, Escott, Flowers, Freeman, Gaston, Goodwin, Hall, Hamilton, Higginbotham, Hill, Holley, Holmes, Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Melton, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Thomas, Turner, White (G) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Higginbotham, Budget Isolation Resolution relating to H. B. 939, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Campbell, Carothers, Carter, Clay, Crow, Curry, Drake, Escott, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Thomas, Turner, Warren, White (G), Willis and Zoghby.

—57

And the bill:

H. 939. Relating to Lee County; to create the Lee County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Lee County; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions for such zoning regulations and for appeals from the decisions of the commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Campbell, Carothers, Carter, Clay, Crow, Curry, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, White (G), Willis and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Higginbotham, Budget Isolation Resolution relating to H. B. 965, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Clay, Curry, Drake, Escott, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Headley, Higginbotham, Hill, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McKee, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, White (G) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 965. Relating to Lee County; providing that the Lee County Commission shall be authorized to levy sales and use taxes outside the corporate limits of the Cities of Auburn and Opelika generally paralleling the state sales and use taxes but limited in amount as set out herein, with the same exemptions and exclusions; providing for the collection of such tax by the State Department of Revenue; providing for the distribution and use of the proceeds; and repealing Act No. 88-400, H. 886, 1988 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Bryant, Bugg, Campbell, Carothers, Clay, Curry, Drake, Escott, Freeman, Gaston, Goodwin, Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McKee, McMillan, Melton, Moon, Newton (C), Parker, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, White (G) and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to H. B. 925, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Campbell, Carothers, Clay, Curry, Drake, Escott, Flowers, Gaston, Goodwin, Hamilton, Hammett, Headley, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McKee, Melton, Moon, Newton (C), Parker, Payne, Petelos, Richardson, Sanderford, Spratt, Starkey, White (G) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 925. Relating to Cleburne County; to provide that, as long as the probate judge sells automobile and motor vehicle licenses, he shall be paid

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on a pro-rata basis out of the ad valorem tax proceeds collected each year into the county general fund, effective October 1, 1989; and to create a special account in the general fund for such taxes collected.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Bryant, Buskey (JL), Campbell, Carothers, Clay, Curry, Drake, Escott, Freeman, Goodwin, Hall, Hamilton, Hammett, Headley, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, Melton, Mikell, Moon, Newton (C), Parker, Payne, Richardson, Sanderford, Seibels, Slaughter and Spratt.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to H. B. 972, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clay, Drake, Escott, Flowers, Freeman, Gaston, Goodwin, Hall, Harper, Harvey, Higginbotham, Hill, Holley, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marks, Mathis, Melton, Mikell, Moon, Newton (C), Parker, Payne, Rains, Richardson, Sanderford, Spratt, Starkey, Warren, White (G) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 972. Relating to the City of Centre in Cherokee County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for cumulative voting for council members; providing for the elimination of run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Burke, Campbell, Carothers, Carter, Clay, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Higginbotham, Hill, Holley, Johnson (RW), Kvalheim, Mathis, Melton, Moon, Newman, Newton (C), Parker, Richardson, Sanderford, Seibels, Spratt, Starkey, White (G) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to H. B. 973, was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Breedlove, Brooks, Bugg, Campbell, Carothers, Clay, Curry, Drake, Escott, Freeman, Goodwin, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, Melton, Moon, Newton (C), Parker, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey and White (G).

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 973. Relating to Cherokee County; to authorize a local citation fee for license inspector citations personally served by the license inspector, and to provide for the distribution of said fee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Campbell, Carter, Clay, Curry, Ford, Freeman, Hall, Headley, Higginbotham, Hill,

Holley, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, Melton, Moon, Newman, Newton (C), Parker, Rains, Richardson, Sanderford, Seibels, Slaughter, White (G) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to S. B. 577, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Clay, Colvin, Curry, Drake, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, White (G) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 577. Relating to Cherokee County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Was read a third time at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Campbell, Carothers, Clay, Colvin, Curry, Escott, Flowers, Freeman, Gaston, Goodwin, Hall, Hamilton, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RW), Kvalheim, Lindsey, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, White (G), Williams and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution relating to H. B. 934, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Campbell, Carothers, Carter, Clay, Colvin, Curry, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Higginbotham, Hill, Holley, Hooper, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, Mikell, Moon, Newman, Parker, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, White (G), Williams and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 934. Proposing an amendment to the Constitution of Alabama of 1901, relating to additional ad valorem taxes in Choctaw County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Carter, Clay, Curry, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, White (G), Williams and Zoghby.

—65

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Grouby to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 974, was lost, lacking a four-fifths vote.

Yeas 3; Nays 1.

Yeas: Reps. Freeman, Grouby and Hall. —3

Nay: Rep. Mikell. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 989, was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Crow, Curry, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Melton, Newton (C), Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—78

And the bill:

H. 989. To amend Act No. 88-872 of the 1988 First Special Session to impose a prevailing rate fee on hazardous waste generated outside the State of Alabama.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 989:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 88-872 of the 1988 First Special Session relative to the tax levied on the disposal of hazardous waste generated outside the State of Alabama to impose a "prevailing rate" fee on such waste.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act No. 88-872 of the 1988 First Special Session is hereby amended by adding the following to Section 2:

"For hazardous wastes which are generated outside of Alabama and disposed of in Alabama, the tax levied in this Act shall be levied at the

rate of the tax or fee imposed on the disposal of such waste in the state where the waste was generated as determined by the Director of the Alabama Department of Environmental Management. In no case, however, shall the tax levied in this Act on hazardous waste generated outside Alabama be less than the rate charged at the time of its disposal for hazardous waste generated and disposed of in Alabama.

The fees levied herein shall not become effective until October 1, 1989."

Section 2. The increased revenues generated by the fees levied herein shall not be subject to appropriation until Fiscal Year 1991.

Section 3. This Act shall become effective upon the approval of the Governor, or its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—96

And the bill:

H. 989. To amend Act No. 88-872 of the 1988 First Special Session relative to the tax levied on the disposal of hazardous waste generated outside the State of Alabama to impose a "prevailing rate" fee on such waste.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson,

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Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 985, was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Reps. Biddle and Laird would have voted "Yea" on the bill, H. 985, had they been in the Chamber at the time of voting.

And the bill:

H. 985. To amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 985:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2 of Act 88-872 of the 1988 First Special Session is hereby amended to add the following:

"In addition to the fees levied hereinabove, there is hereby levied a total of \$16.00 per ton to be paid on a graduated rate by the operators of

each such commercial site for the disposal of hazardous wastes or hazardous substances in accordance with the following schedule:

(a) Eight and no/100 Dollars (\$8.00) per ton effective October 1, 1989, Seven and no/100 Dollars (\$7.00) of which shall be deposited in the General Fund of the State to be used for general operations; and One and no/100 Dollar (\$1.00) of which shall be deposited to the credit of the general fund of the county wherein such commercial hazardous waste disposal site is located, and all such proceeds shall be expended for such purposes as may be appropriated by local act;

(b) Four and no/100 Dollars (\$4.00 per ton effective October 1, 1990, Three and 50/100 Dollars (\$3.50) of which shall be deposited in the General Fund of the State to be used for general operations; and 50/100 dollars (\$.50) of which shall be deposited to the credit of the general fund of the county wherein such commercial hazardous waste disposal site is located, and all such proceeds shall be expended for such purposes as may be appropriated by local act;

(c) Four and no/100 Dollars (\$4.00) per ton effective October 1, 1991, Three and 50/100 Dollars (\$3.50) of which shall be deposited in the General Fund of the State to be used for general operations; and 50/100 Dollars (\$.50) of which shall be deposited to the credit of the general fund of the county wherein such commercial hazardous waste disposal site is located, and all such proceeds shall be expended for such purposes as may be appropriated by local act.

The revenues generated by the fees for the State General Fund levied herein shall not be subject to appropriation before Fiscal Year 1991."

Section 2. This Act shall become effective upon the approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 865. Relating to Crenshaw County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

TOMMY CARTER,
Chairman.

And the bill, H. 865 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 989. To amend Act No. 88-872 of the 1988 First Special Session relative to the tax levied on the disposal of hazardous waste generated outside the State of Alabama to impose a "prevailing rate" fee on such waste.

TOMMY CARTER,
Chairman.

And the bill, H. 989 as engrossed, was ordered sent to the Senate.

NOTICE IN WRITING FILED

Rep. Mikell filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made to amend the Joint Rules of the Two Houses of the Legislature of Alabama as follows:

On page 33, Rule 11 by adding a new rule 11 (a) to read as follows:

Rule 11 (a) It is further provided that in all resolutions of sympathy, commendation or congratulations, before the Secretary of Senate or Clerk of the House accepts them the sponsor shall have Legislative Reference Service to certify the resolution as a resolution of sympathy, commendation or congratulations and that nothing else is contained therein. If this rule is violated the resolution becomes null and void.

H. 985 RESUMED

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Adams offered the following substitute to the substitute offered by Rep. Harper to the bill, H. 985:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 88-872 of the 1988 First Special Session by imposing certain additional per ton fees on operators of commercial sites for the disposal of hazardous wastes or hazardous substances and imposing surcharges for the disposal of certain hazardous wastes or hazardous substances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2 of Act 88-872 of the 1988 First Special Session is hereby amended to add the following:

"In addition to the fees levied hereinabove, there is hereby levied a total of \$30.00 per ton to be paid on a graduated rate by the operators of each such commercial site for the disposal of hazardous wastes or hazardous substances in accordance with the following schedule:

(a) Ten Dollars (\$10.00) per ton effective October 1, 1989;

(b) Ten Dollars (\$10.00) per ton effective October 1, 1990;

(c) Ten Dollars (\$10.00) per ton effective October 1, 1991;

In addition to the fees levied hereinabove, and recognizing the increased risks, both short-term and long-term, imposed on the State's citizens and its environment due to the influx of large volumes of hazardous wastes transported into the State for disposal, there is hereby imposed a surcharge for the disposal in State of all hazardous wastes or substances generated outside the borders of the State. Such surcharge shall be in the total amount of \$30.00 per ton to be paid on a graduated rate by the operators of each such commercial site for the disposal of hazardous wastes or hazardous substances in accordance with the following schedule:

(a) Ten Dollars (\$10.00) per ton effective October 1, 1989;

(b) Ten Dollars (\$10.00) per ton effective October 1, 1990;

(c) Ten Dollars (\$10.00) per ton effective October 1, 1991;"

Section 2. This Act shall become effective upon the approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Rep. Johnson (RW), the substitute offered by Rep. Adams, was tabled.

Yeas 60; Nays 27.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Escott, Ford, Frazier, Freeman, Fuller, Grouby, Hall, Harper, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, Melton, Newman, Newton (C), Parker, Payne, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nays:

Reps. Adams, Blake, Blakeney, Breedlove, Brooks, Bugg, Cosby, Curry, Drake, Flowers, Gaston, Gray, Hammett, Harvey, Haynes, Holley, Knight, Kvalheim, Logan, McKee, McMillan, Mikell, Newton (D), Rains, Sanderford, Seibels and Turner.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 814. Relating to the Blount County merit system; amending Section 4 of Act No. 648, H. 1128 of the Regular Session 1978 (Acts 1978, p. 916),

relating to eligible persons for membership, so as to exclude the chief clerks of each elected office from the exception and include as eligible for membership.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 814. Relating to the Blount County merit system; amending Section 4 of Act No. 648, H. 1128 of the Regular Session 1978 (Acts 1978, p. 916), relating to eligible persons for membership, so as to exclude the chief clerks of each elected office from the exception and include as eligible for membership.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 985 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Harper to the bill, H. 985, and the substitute was adopted.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter,

Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSOR ADDED

Rep. Johnson (RW) was added as co-sponsor to the bill, H. 985.

And the bill, H. 985 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION LOST

On motion of Rep. Petelos, the Budget Isolation Resolution relating to the bill, H. 988, was lost.

Yeas 49; Nays 49.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Colvin, Davis, Escott, Ford, Grouby, Hall, Harper, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RW), Kennedy, Lindsey, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Parker, Perdue, Petelos, Rogers, Slaughter, Thomas, Warren, White (F), White (L), Williams, Willis and Zoghby.

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Nays:

Reps. Adams, Beers, Blake, Blakeney, Breedlove, Britnell, Brooks, Bugg, Clay, Cosby, Crow, Curry, Drake, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harvey, Headley, Hill, Holley, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Newton (D), Payne, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, Venable, Walker, White (G) and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

REGULAR SESSION
20th Day

1899

H. 403. To amend section 16-33A-3, Code of Alabama 1975, relating to the Alabama Student Grant Program, so as to provide further for the amount granted to each eligible student per academic year.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 370. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business in the order set forth below, shall be the special and paramount order of business for the 20th legislative day, Tuesday, April 18, 1989, taking precedence over the regular order of business, or any pending or unfinished business.

And the following Bills:

Inst Id	Page
<u>H. 338</u> —By White (L) (As Amended)	25
Insurance, mutual aid associations auth. for domestic life and disability insurers	
<u>H. 304</u> —By Hall	22
Free Fishing Day, designated	
<u>H. 107</u> —By White (L)	24
Licensing exams for cert. insurance representatives, waived, Sec. 27-7-5 am'd.	
<u>H. 514</u> —By McDowell	179
Elected assistant dist. attys., to have all entitlements provided by Title 12, ch. 12, art. 6 of Code	
<u>H. 557</u> —By Laird	77
Insurance companies, disclosure of use and identification of used parts in auto repair req.	
<u>H. 142</u> —By Harper	93
Dieticians and nutritionists, practice reg., licensing, bd. established	
<u>H. 141</u> —By Johnson (RG) (As Substituted)	174
Disability retirement with 25 yrs. creditable service, Teachers and Employees, Secs. 16-25-14 and 36-27-16 am'd.	
<u>H. 147</u> —By Starkey (As Amended and Substituted)	35
Co. tax collectors shall also collect municipal sales tax on motor vehicles on those other than licensed dealers and other sales, fees provided, crimes prescribed	

<u>H. 425</u> —By Campbell	96
State policemen, retired through st. retirement system, auth. to be employed in co. or municipal agencies which have retirement systems through st. systems	
<u>H. 152</u> —By Gaston	41
State docks, auth. to estab. safety program	
<u>H. 257</u> —By Beers (As Amended)	160
Building inspectors, civil and criminal immunity	
<u>H. 836</u> —By Harvey (As Amended)	212
Highway authority, auth. issue bonds, proceeds for financing public roads and bridges	
<u>H. 621</u> —By Beasley	78
Pharmacists, definition of to incl. Dr. of Pharmacy, Sec. 34-23-1 am'd.	
<u>H. 359</u> —By Zoghby	13
Agreements which req. to be in writing, incld. agreements to lend or delay repayment or modify, Statute of Frauds, Sec. 8-9-2 am'd.	
<u>H. 728</u> —By Marietta	151
Oil and gas board members, expense allowance, Sec. 9-17-3 am'd.	
<u>H. 709</u> —By Higginbotham	138
Linked deposit loan program, cert. loan restrictions removed, Sec. 5-21-4 am'd.	
<u>H. 608</u> —By Mathis	180
Retirement systems, teachers and employees, credit for service outside state, Sec. 36-27-15.2 am'd.	
<u>H. 870</u> —By Harper (As Substituted)	173
Bayou La Batre, widening of channel, bond issue auth., consti. amend.	
<u>H. 904</u> —By Harper	185
State docks and Bayou La Batre channel, improvements and widening of channel, bond issue auth. to finance, consti. amend.	
<u>H. 698</u> —By Fuller	181
Postsecondary Education Dept., approp.	
<u>H. 19</u> —By Grouby	89
Liquefied Petroleum Gas Board, powers, duties, authority, Secs. 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108, 9-17-109, 9-17-101, and 9-17-105 am'd.	

**REGULAR SESSION
20th Day**

1901

<u>H. 45</u> —By Butler	89
Annual hunting and fishing licenses, license year specified, Sec. 9-11-32 am'd.	
<u>H. 407</u> —By Beers	159
Inmates, discharge of by Dept. of Corrections alt., Secs. 14-10-1, 14-10-2 am'd.	
<u>H. 114</u> —By Box	6
Pardons and paroles bd., intensive supervision program estab., auth. to collect fees	
<u>H. 455</u> —By Hill	73
Credit Cards, unauthorized and fraudulent uses of, Class B felony, Sec. 13A-9-14.1 am'd.	
<u>H. 479</u> —By Richardson	45
Housing Finance Auth., powers alt., bond limit reg., Secs. 24-1A-5, 24-1A-9 am'd.	
<u>H. 491</u> —By Campbell (As Amended)	91
Oil and gas, pooling of oil and gas wells provided further, Sec. 9-17-13 am'd.	
<u>H. 311</u> —By Penry (As Substituted)	37
Commercial Driver License Act estab., standards and testing req., criminal sanctions, enforcement by Dept. of Public Safety, classification of motor vehicles, licensure procedures	
<u>H. 793</u> —By McDowell (As Amended and Substituted)	193
Arrests without a warrant, add'l. instances when authorized, civil community to arresting officer, domestic violence reporting requirements, Sec. 15-10-3 am'd.	
<u>H. 945</u> —By McDowell	223
Class 5 muns., adoption of a mayor-council form of gov't. auth.	
<u>H. 416</u> —By Haynes	30
Supernumerary clerks and registers, terms of office and compensation. Sec. 12-17-142 am'd.	
<u>H. 591</u> —By White (L)	103
Code of Alabama 1975, publishing of cumulative supplements and other upkeep services provided	
<u>H. 826</u> —By Flowers (As Substituted)	214
Teachers' Retirement System, reopened for cert. U. S. defense dept. service employees	
<u>H. 97</u> —By Johnson (RW)	16
Board of education, st. auth. to adopt rules re school absences and drivers' licenses	

H. 605—By Walker

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Taxation on pari-mutuel pools, Mobile Co. Greyhound Park further clarified, Act No. 952, H. 8, Reg. Sess. 1988 am'd.

On motion of Rep. Carter, the resolution, H. R. 370, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 403. To amend section 16-33A-3, Code of Alabama 1975, relating to the Alabama Student Grant Program, so as to provide further for the amount granted to each eligible student per academic year.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to H. B. 930, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Buskey (JL), Clay, Curry, Davis, Escott, Freeman, Goodwin, Gray, Grouby, Hall, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, McClain, Melton, Moon, Newton (C), Newton (D), Payne, Perdue, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Walker, White (G) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 930. Relating to Lowndes County; to grant the county commission certain power relating to levying or increasing county business or privilege licenses.

Was taken up.

AMENDMENT OFFERED

Rep. Thomas offered the following amendment to the bill, H. 930:

Amend H. B. 930, page 1, at the end of line 19 by striking the period and adding the following:

; provided however that nothing in this act shall be construed to conflict with or repeal the provisions of Section 40-21-64 of the Code of Alabama, 1975.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Carter, Clark (W), Clay, Colvin, Curry, Ford, Goodwin, Hall, Headley, Higginbotham, Hill, Holley, Johnson (RW), Kennedy, Knight, Lindsey, Logan, Mathis, McClain, McMillan, Melton, Newton (C), Payne, Perdue, Richardson, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, White (G) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 930 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beers, Blakeney, Breedlove, Brooks, Buskey (JE), Carter, Clark (W), Clay, Colvin, Curry, Escott, Ford, Freeman, Goodwin, Hall, Hamilton, Headley, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Lindsey, Logan, McClain, McMillan, Melton, Moon, Newman, Newton (D), Payne, Perdue, Petelos, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, White (G) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER

The House then proceeded to the consideration of the Special Order.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 338, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Carter, Clark (W), Clay, Colvin, Cosby, Curry, Drake, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Payne, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Warren, White (F), White (G), Williams and Willis.

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And the bill:

H. 338. (With Amendment): To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend H. B. 338, in the Title, Page 1, Line 24, by striking the following figure: ~~27-30-31~~, and adding in lieu thereof the following: 27-30-31

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clay, Colvin, Cosby, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Payne, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams and Willis.

—73

And the bill:

H. 338. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of

the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Curry, Davis, Drake, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Payne, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Warren, White (F), White (G), White (L), Williams and Willis.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Hall, Budget Isolation Resolution relating to H. B. 304, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marks, McClain, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—75

And the bill:

H. 304. To establish, create, and provide for an annual "Free Fishing Day" for calendar year 1989 and each year thereafter; to designate said day for calendar year 1989; to provide for the designation of said day in each future calendar year; to provide for certain exemptions on said day from certain fishing license requirements under Sections 9-11-53, 54, 55, and 56 of the Code of Alabama 1975, as amended from time to time.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Carothers, Carter, Clark (W),

Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—84

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 107, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Haynes, Headley, Hill, Hogan, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McKee, McMillan, Melton, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, White (F), White (G), White (L), Williams, Willis and Wright.

—71

And the bill:

H. 107. To amend Section 27-7-5, Code of Alabama 1975, so as to exempt from examination requirements those applicants whose license is limited to personal property insurance sold to borrowers or debtors under a master group policy issued to a creditor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Ford, Frazier, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—83

BUDGET ISOLATION RESOLUTION

On motion of Rep. McDowell, Budget Isolation Resolution relating to H. B. 514, was adopted.

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Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Ford, Frazier, Freeman, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Starkey, Venable, White (G), Williams, Willis and Wright.

—74

And the bill:

H. 514. Providing that any elected assistant district attorney shall receive all entitlements enumerated in Title 12, Chapter 17, Article 6 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Drake, Escott, Ford, Freeman, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested.

S. 494. Relating to the City of Mobile, to amend Act No. 651, H. 377, 1975 Regular Session, as amended, which provides for a retirement system for elected officials, so as to provide further for eligibility of benefits.

Also:

S. 569. Relating to Chambers County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Also:

S. 577. Relating to Cherokee County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 506. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Russell County so as to authorize the county commission to increase certain court costs; to provide that all such fees shall be applied for the construction or financing of a new county jail; and to provide for the terminating of such fees.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Hall offered the motion to reconsider the vote by which the bill, H. 304, was passed, and the motion to reconsider was adopted.

S. 36 SUBSTITUTED FOR H. 304

On motion of Rep. Hall, the bill, S. 36, was substituted for the bill, H. 304.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hall, Budget Isolation Resolution relating to S. B. 36, was adopted.

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Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clay, Cosby, Curry, Davis, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—79

And the bill:

S. 36. (With Amendment): To establish, create, and provide for an annual "Free Fishing Day" for calendar year 1989 and each year thereafter; to designate said day for calendar year 1989; to provide for the designation of said day in each future calendar year; to provide for certain exemptions on said day from certain fishing license requirements under Sections 9-11-53, 9-11-54, 9-11-55, and 9-11-56 of the Code of Alabama 1975, as amended from time to time.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Agriculture, Forestry and Natural Resources, said committee amendment being as follows:

Amend S. B. 36 as follows:

On pages 1 and 2, wherever the word "Day" or "day" appears in the Synopsis, in the Title or in Section 1, change to the word "Week" or "week" as appropriate.

Further amend on Page 2, Line 7, after the word and period "created." by striking the following: ~~Saturday, June 10, 1989~~, and inserting in lieu thereof the following:

Beginning the first Monday in June, 1989,

AMENDMENT TABLED

On motion of Rep. Hall, the amendment was tabled.

Yeas 61; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Britnell, Bryant, Butler, Carothers, Carter, Cosby, Curry, Davis, Escott, Ford, Fuller, Gaston, Gray, Grouby, Hamilton, Hammett, Harper, Haynes, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Mathis, McClain, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Payne, Petelos, Poole, Rains, Richardson,

Rogers, Sanderford, Seibels, Spratt, Starkey, Turner, Venable, White (G), Willis, Wright and Zoghby.

—61

Nays: Reps. Brooks and White (F).

—2

S. 36 TEMPORARILY CARRIED OVER

On motion of Rep. Hall, the bill, S. 36, was temporarily carried over.

RESOLUTION

The following resolution was introduced:

By Rep. Campbell:

H. R. 371. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 18, 1989, we adjourn to meet again on Thursday, April 20, 1989, at 10:00 A. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 371, was adopted.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to H. B. 557, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Carothers, Carter, Clark (W), Colvin, Cosby, Curry, Davis, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newton (D), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (G), White (L) and Wright.

—72

And the bill:

H. 557. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter,

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Clark (W), Clay, Cosby, Crow, Curry, Davis, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—82

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Holley abstained from voting on the bill, H. 557, due to possible conflict of interest.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Layson to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 23, was lost.

Yeas 25; Nays 32.

Yeas:

Reps. Adams, Blake, Clark (W), Clay, Cosby, Crow, Escott, Frazier, Grouby, Hamilton, Hill, Hogan, Holmes, Hooper, Kvalheim, Laird, Mathis, McMillan, Petelos, Poole, Rains, Richardson, Warren, Willis and Wright.

—25

Nays:

Reps. Beasley, Beers, Biddle, Box, Brooks, Burke, Carothers, Carter, Colvin, Curry, Ford, Freeman, Gray, Hall, Haynes, Johnson (RG), Marks, McClain, McDowell, McKee, Moon, Newman, Parker, Payne, Seibels, Slaughter, Starkey, Thomas, White (F), White (G), White (L) and Zoghby.

—32

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 338. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

TOMMY CARTER,
Chairman.

And the bill, H. 338 as engrossed, was ordered sent to the Senate.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Butler would have voted "Yea" on the bill, H. 989, and would have voted "Nay" on the bills, H. 985 and H. 988, had he been in the Chamber at the time of voting.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 142, was adopted.

Yeas 75; Nays 2.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Newman, Newton (D), Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Warren, White (F), White (G), White (L), Wright and Zoghby.

—75

Nays: Reps. Brooks and Moon.

—2

And the bill:

H. 142. To create the Dietetics/Nutrition Practice Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Wright and Zoghby.

—81

Nays: Reps. Brooks and Moon.

—2

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution relating to H. B. 141, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

And the bill:

H. 141. (With Substitute): To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-25-14 and 36-27-16, Code of Alabama 1975, are hereby amended further to read as follows:

“§16-25-14.

“(a) (1) Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service.

“(2) Any member who has attained age 60 and has previously withdrawn from service may retire upon written application to the board of control

setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that the said member shall have completed at the time for his withdrawal from service the requirements established by the board of control for eligibility for deferred benefits pursuant to section 16-25-3.

"(3) Any person who is presently covered or is eligible to be covered under the employees' retirement system of Alabama or the teachers' retirement system of Alabama and who, prior to such coverage or eligibility for coverage, served as head of any Alabama county's public library service department shall be credited to him or her one year of creditable service for each year served as such head, not to exceed 12 years; provided, that such person shall pay into the retirement system the employee's part of the cost or contribution based on the salary paid to such person during the time of his or her service in the above capacity, with such cost or contribution to be calculated at the percent or rate in effect on October 1, 1973.

"(4) Any member of the teachers' retirement system of Alabama, who withdraws from service after the completion of at least 25 years of creditable service, may retire upon written application to the board of control of the teachers' retirement system setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963 shall have completed 10 or more years of creditable service.

"(b) Upon retirement from service, a member shall receive a service retirement allowance which shall consist of:

"(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement;

"(2) A pension which shall be equal to the annuity allowable at the age of retirement, but not to exceed an annuity allowable at age 65 computed on the basis of contributions made prior to the attainment of age 65; and

"(3) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age 65 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of the members that was received during such prior service, the board of control may use for the purposes of this chapter the compensation rates which, if they had progressed with the rates of salary increase shown in the tables as prescribed in subsection (o) of section 16-25-19, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received.

"(c) The annual service retirement pension payable to a member retiring on or after October 1, 1975 shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts:

"(1) Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"(2) If he became a member before October 1, 1971, \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years.

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"Notwithstanding, a member who retired prior to October 1, 1971, under service retirement shall receive \$120.00 multiplied by the number of years of his creditable service not in excess of 25 years.

"(d) Upon the application of a member in service or of his employer, any member who has had 10 or more years of creditable service may be retired by the board of control on a disability retirement allowance not less than 30 nor more than 90 days next following the date of filing such an application; provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

"(e) Upon retirement for disability, a member shall receive a service retirement allowance if he has attained age 60 or if any law or part of any law pertaining to retirement under the teachers' retirement system of Alabama provides for service retirement after the completion of 30 25 years of creditable service and the member has completed 30 25 years of creditable service; otherwise, he shall receive a disability retirement allowance which shall consist of:

"(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

"(2) A pension which shall be equal to the pension that would have been payable under subdivisions (2) and (3) of subsection (b) of this section upon service retirement at age 60 had the member continued in service to said age without change in compensation, reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of 25 percent.

"The annual disability retirement pension shall not be less than an amount which when added to his annuity is equal to the greater of the following amounts:

"a. Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of 25 percent;

"b. If he became a member before October 1, 1971, \$54.00 multiplied by the number of years of his creditable service not in excess of 25 years; or

"c. If any law or part of any law pertaining to retirement under the teachers' retirement system of Alabama provides for service retirement after the completion of 30 25 years of creditable service, two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service reduced by one fourth of one percent for each month less than 30 25 years of creditable service up to a maximum of 25 percent.

"Notwithstanding, a member who retired prior to October 1, 1971, for disability shall receive \$90.00 multiplied by the number of years of his creditable service not in excess of 25 years.

"(f)(1) Once each year during the first five years following the retirement of a member on a disability retirement allowance and once in every three-year period thereafter, the board of control may and upon his application

shall require any disability beneficiary who has not yet attained age 60 to undergo a medical examination, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon by a physician of or designated by the medical board. Should any disability beneficiary who has not yet attained age 60 refuse to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the board of control.

“(2) Should the medical board report and certify to the board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation.

“(g)(1) Should a member cease to be a teacher, except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than 16 years of membership service, six tenths of such interest accumulations if he shall have not less than 16 but less than 21 years of membership service, seven tenths of such interest accumulations if he shall have not less than 21 but less than 26 years of membership service and eight tenths of such interest accumulations if he shall have not less than 26 years of membership service.

“(2) In case of the death of a member eligible for service retirement pursuant to subsection (a) of this section, an allowance shall be paid to the surviving spouse, or to such other person who the member shall have specifically designated for the receipt of such benefit rather than the spouse, in an amount that would have been payable if the member had retired immediately prior to his death and had elected option 3, as set forth in subsection (h) of this section or, alternatively, if the surviving spouse or other designee desires, he may choose to receive, in lieu of the allowance provided under option 3, the accumulated contributions of the member plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00 or the accumulated contributions of the member plus the benefit provided by section 36-27B-3 if a benefit is payable under such section.

“(3) In case of the death of a member not eligible for credit retirement after completion of 25 years of creditable service, an allowance shall be paid to the surviving spouse, or to such other person who the member shall have specifically designated for the receipt of such benefit rather than the spouse, in an amount that would have been payable if the member had retired for disability immediately prior to his death and had elected option 3, as set forth in subsection (h) of this section or, alternatively, if the surviving spouse or other designee desires, he may choose to receive, in lieu of the allowance provided under option 3, the accumulated contributions of the member plus

an amount equal to the accumulated contributions of the member not to exceed \$5,000.00 or the accumulated contributions of the member plus the benefit provided by section 36-27B-3 if a benefit is payable under such section.

"(4) Upon the death of a member on account of whom no survivor allowance is payable under subdivision (2) or (3) of this subsection, the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 or the accumulated contributions of the member plus the benefit provided by section 36-27B-3 if a benefit is payable under such section shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the board of control.

"(h) With the provision that no election of an option shall be effective until the end of the month following the effective date of retirement and that should a beneficiary die before his first benefit payment is due at the end of the month following the effective date of retirement he shall be considered as an active member at the time of death, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent at that time of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that:

"(1) OPTION 1.—If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the board of control;

"(2) OPTION 2.—Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement;

"(3) OPTION 3.—Upon his death, one half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or

"(4) OPTION 4.—Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate; provided, that such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the board of control.

"(i)(1) Should any beneficiary be restored to active service from service retirement or from disability retirement on or after attainment of age 50, his retirement allowance shall be suspended until he again withdraws from service and, he shall not again become a member, nor shall he make contributions; except, that should such beneficiary who has been restored to active service continue in service for a period of two or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request for restoration to membership; provided, that such beneficiary whose retirement allowance has been suspended shall repay to the system all moneys received by him as benefits during any period subsequent to the date of his reentry into active service;

provided further, that he shall make a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis, together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made.

“(2) Should any beneficiary on disability retirement be restored to active service before reaching age 50, he shall again become a member of the retirement system and shall make contributions.

“(j)(1) All retirement allowance payments due on or after October 1, 1975 to members who retired prior to October 1, 1975 shall be redetermined as if the provisions of subsections (b) and (e) of this section which became effective on said date were in effect at the time the member retired; provided, that the annual retirement allowance of any member who retired on or before January 1, 1956 shall be not less than \$132.00 multiplied by the number of years of his creditable service not in excess of 30 years in the case of service retirement or \$99.00 multiplied by the number of years of creditable service not in excess of 30 years in the case of disability retirements. Any increase provided in the retirement allowance payment under this subsection for a member who retired under the provisions of any optional benefit elected pursuant to subsection (h) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subsection.

“(2) Any person who served at least 30 years as a teacher in the public schools of Alabama and was never a member of the system and who, prior to October 1, 1963, was in receipt of a benefit for old age assistance pursuant to subsections (1) and (2) of section 1 of Act 116, approved August 24, 1959, shall be entitled to receive an annual retirement allowance of \$3,960.00 from the system, effective as of October 1, 1973.

“(3) Prior to October 31, 1975 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with subdivision (1) or (2) of this subsection. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary, the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representative or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of control.”

“§36-27-16

“(a)(1) RETIREMENT, ETC., OF EMPLOYEES GENERALLY; ELIGIBILITY FOR SERVICE RETIREMENT BENEFITS.

“a. Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service; provided further, that a member employed as a state policeman shall be eligible to file application of service retirement upon attaining age 52.

"b. Any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, said member shall have at the time of his withdrawal from service completed the age and service requirements established by the board of control for eligibility for deferred benefits; provided, that such minimum number of years of creditable service shall not be less than 10 years nor more than 25 years.

"c. In addition to any law or part of law relating to service retirement under the employees' retirement system of Alabama, any member of the employees' retirement system who withdraws from service after completion of not less than 25 years of creditable service may retire without a reduction in retirement allowance upon written application to the board of control of the employees' retirement system setting forth the first day of which month, not less than 30 days or more than 90 days subsequent to the execution and filing thereof, he desires to be retired, provided that no person whose employer participates in the employees' retirement system under section 36-27-6 shall be entitled to the benefits provided in paragraph C of this subsection unless such employer elects to come under the provisions of said paragraph. Any employer making such election must bear the cost of such benefit.

"(2) AMOUNT OF SERVICE RETIREMENT ALLOWANCE.

"a. Upon retirement from service a member shall receive a service retirement allowance which shall consist of:

"1. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; except, that in the case of a state policeman who has completed 20 years of creditable service as a state policeman who retires after age 56 but prior to age 60, the annuity shall be equal to the annuity that would have been payable upon service retirement at age 60 had the member continued in service to said age 60 without change in compensation;

"2. A pension which shall be equal to the annuity allowance at age of retirement, but not to exceed an annuity allowable at age 65, computed on the basis of contributions made prior to attainment of age 65; except, that in the case of a state policeman who has completed 20 years of creditable service as a state policeman who retires after age 56 but prior to age 60, the pension shall be equal to the annuity that he would have received had he contributed to age 60 without change in compensation; and

"3. An additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at the age of retirement, but which shall not exceed an annuity allowable at age 65 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder; except, that in case of a state policeman who has completed 20 years of creditable service as a state policeman who retired after age 56 but prior to age 60, an additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at age 60, but which shall not exceed an annuity allowance at age 60 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder.

"b. Notwithstanding the provisions of subparagraphs 1, 2, and 3 of paragraph a of this subdivision, a state policeman who has completed 20 years of service as a state policeman who retires after age 52 but prior to age 56 shall receive:

"1. An annuity which shall be equal to the annuity that would have been payable had the member continued in service for four years without change in compensation;

"2. A pension which shall be equal to the annuity that he would have received had he contributed for four years without change in compensation; and

"3. An additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at the age of retirement, but which shall not exceed an annuity allowable at the age of retirement plus four years by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of a member that was received during such prior service, the board of control may use for the purpose of this article the compensation rate which, if it had progressed with the rates of salary increase shown in the tables as prescribed in subsection (n) of section 36-27-23, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received.

"c. The annual service retirement pension payable to a member not employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which, when added to his annuity, is equal to the greater of the following two amounts:

"1. Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"2. If he became a member before October 1, 1965, \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years.

"d. The annual service retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which, when added to his annuity is equal to the greater of the following two amounts:

"1. Two and seven-eighths percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"2. If he became a member before October 1, 1965, \$86.40 multiplied by the number of years of his creditable service not in excess of 25 years; provided, however, that if such member has completed 20 years of creditable service as a state policeman and has not attained age 60 at the time of retirement, said pension shall be determined as provided in this subparagraph on the basis of the number of years of creditable service which he would have had if he had remained in service for four years, except that, in the case of those state policemen retiring at age 56 or after, the number of years in determining said pension shall not exceed the number of years of creditable service which he would have had if he had remained in service to age 60.

"e. Anything in this article to the contrary notwithstanding, in the application of the foregoing provisions of this subdivision to a member whose

creditable service includes a period of service as a state policeman and a period of service in another employment classification, the benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman, and the benefit rates applicable to a member not employed as a state policeman shall apply to all creditable service, but in all other respects the pension under this subdivision shall be determined on the basis of the member's employment classification at the time of his withdrawal from service.

"f. The annual service retirement pension payable to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the employees' retirement system of Alabama in the manner prescribed in section 36-27-4 and who retires as a state employee after completing a minimum of 15 years' service shall be \$72.00 multiplied by the number of years of his service not in excess of 25 years.

"(b) (1) RETIREMENT OF DISABLED EMPLOYEES; ELIGIBILITY FOR DISABILITY RETIREMENT BENEFITS.

"a. Upon application of a member in service or of his employer, any member who has had 10 or more years of creditable service who becomes disabled may be retired on a disability retirement allowance by the board of control not less than 30 nor more than 90 days next following the date of filing of such application; provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

"b. Without regard to the number of years of creditable service, a member employed as a state policeman, who as a result of his employment, in the line of duty and not as a result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform his duties or duties of a less strenuous nature, as an employee of the state of Alabama or as an employee of an employer participating under the provisions of section 36-27-6, shall be retired on a disability retirement allowance, not less than 30 nor more than 90 days next following the date of filing of such application, provided that the medical board, after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

"(2) AMOUNT OF DISABILITY RETIREMENT ALLOWANCE.

"a. Upon retirement for disability a member shall receive a service retirement allowance if he has attained age 60, or if any law or part of any law pertaining to retirement under the employees' retirement system of Alabama provides for service retirement after the completion of 30 25 years of creditable service without a reduction in the retirement allowance and the member has completed 30 25 years of creditable service, or, in the case of a state policeman, if he has attained age 52; otherwise, he shall receive a disability retirement allowance which shall consist of:

"1. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement;

"2. A pension which shall be equal to the pension that would have been payable under subparagraphs 2 and 3 of paragraph a of subdivision (2) of subsection (a) of this section upon service retirement at age 65 had the member continued in service to said age without change in compensation,

reduced by one fourth of one percent for each month of retirement prior to age 60, up to a maximum reduction of 25 percent.

"b. The annual disability retirement pension payable to a member not employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which when added to his annuity is equal to the greatest of the following two amounts:

"1. Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service, reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday up to a maximum reduction of 25 percent; or

"2. If he became a member before October 1, 1965, \$54.00 multiplied by the number of years of his creditable service not in excess of 25 years; or

"3. If any law or part of any law pertaining to retirement under the employees retirement system of Alabama provides for service retirement after the completion of 30 25 years of creditable service without a reduction in the retirement allowance, two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service reduced by three percent for each year less than 30 25 years creditable service up to a maximum of 25 percent.

"c. The annual disability retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts:

"1. Two and five thirty-seconds percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"2. If he became a member before October 1, 1965, \$64.80 multiplied by the number of years of his creditable service not in excess of 25 years.

"d. Anything in this chapter to the contrary notwithstanding in the application of the provisions of this subdivision to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification the benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman, and the benefit rates applicable to a member not employed as a state policeman shall apply to all other creditable service, but in all other respects the pension under this subdivision shall be determined on the basis of the member's employment classification at the time of his withdrawal from service.

"(3) REEXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT OF DISABILITY.—Once each year during the first five years following the retirement of a member on a disability retirement allowance and once every three-year period thereafter, the board of control may, and upon his application shall, require any disability beneficiary who has not yet attained age 60 to undergo a medical examination, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon by a physician or physicians of or designated by the medical board. Should any disability beneficiary who has not yet attained age 60 refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and, should his refusal continue

for one year, all his rights in and to his pension may be revoked by the board of control; provided, that these requirements relative to the medical examination shall not apply in the case of a state policeman retired for disability and who has attained age 52. Should the medical board report and certify to the board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary, together with this annuity exceeds the amount of his average final compensation.

“(c) DISPOSITION OF CONTRIBUTIONS AND ALLOWANCES UPON DEATH, ETC., OF MEMBER.

“(1) Should a member cease to be an employee except by death or by retirement under the provisions of this article, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand and, in addition to such payment, there shall be paid five tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than 16 years of membership service, six tenths of such interest accumulations if he shall have not less than 16 but less than 21 years of membership service, seven tenths of such interest accumulations if he shall have not less than 21 but less than 26 years of membership service and eight tenths of such interest accumulations if he shall have not less than 26 years of membership service;

“(2) In case of the death of a member eligible for service retirement pursuant to subsection (a) of this section, an allowance shall be paid to the surviving spouse, or to such other person who the member shall have specifically designated for the receipt of such benefit rather than the spouse, in an amount that would have been payable if the member had retired immediately prior to his death and had elected option 3, as set forth in subsection (d) of this section or, alternatively, if the surviving spouse or other designee desires, he may choose to receive, in lieu of the allowance provided under option 3, the accumulated contributions of the member plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00 or the accumulated contributions of the member plus the benefit provided by section 36-27B-3 if a benefit is payable under such section;

“(3) In case of the death of a member not eligible for service retirement, after completion of 25 years of creditable service, an allowance shall be paid to the surviving spouse, or to such other person who the member shall have specifically designated for the receipt of such benefit rather than the spouse, in an amount that would have been payable if the member had retired for disability immediately prior to his death and had elected option 3 as set forth in subsection (d) of this section or, alternatively, if the surviving spouse or other designee desires, he may choose to receive, in lieu of the allowance provided under option 3, the accumulated contributions of the member plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00 or the accumulated contributions of the member plus the benefit provided by section 36-27B-3 if a benefit is payable under such section;

"(4) Upon the death of a member on account of whom no survivor allowance is payable under subdivisions (2) or (3) of this subsection, the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 or the accumulated contributions of the member plus the benefit provided by section 36-27B-3 if a benefit is payable under such section shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the board of control.

"(d) **OPTIONAL ALLOWANCES.**—With the provision that the election of an option shall be effective on the effective date of retirement, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent, at that time, of his retirement allowance in a reduced retirement allowance payable throughout life with the provisions that:

"(1) **Option 1.**—If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the board of control;

"(2) **Option 2.**—Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement;

"(3) **Option 3.**—Upon his death, one half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or

"(4) **Option 4.**—Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate; provided, that such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the board of control.

"(e) (1) **EFFECT OF RETURN TO ACTIVE SERVICE.**—Should any beneficiary be restored to active service from service retirement or from disability retirement on or after attainment of age 52, his retirement allowance shall be suspended until he again withdraws from service and he shall not again become a member of the retirement system nor shall he make contributions; except, that should such beneficiary who has been restored to active service continue in service for a period of two or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request for restoration to membership; provided, that such beneficiary whose retirement allowance has been suspended shall repay to the system all moneys received by him as benefits during any periods subsequent to the date of his reentry into active service and shall make a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made.

“(2) Should any beneficiary on disability retirement be restored to active service before reaching age 52, he shall again become a member of the retirement system and shall make contributions.

“(f) (1) REDETERMINATION, ETC. OF CERTAIN ALLOWANCES.—All retirement allowance payments due on or after October 1, 1975, to members who retired prior to said date shall be redetermined as if the provisions of this section in effect on October 1, 1975, were in effect at the time the member retired. Anything in this article to the contrary notwithstanding, the annual retirement allowance of any member not employed as a state policeman who retired on or before January 1, 1956, shall not be less than \$79.20 multiplied by the number of years of his creditable service not in excess of 30 years in the case of service retirement of \$59.40 multiplied by the number of years of his creditable service not in excess of 30 years in the case of disability retirement. Any increase provided in the retirement allowance payment under this subdivision for a member who retired under the provisions of any optional benefit elected pursuant to subsection (d) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subdivision. Notwithstanding, any member who retired prior to October 1, 1975, and who chose either option 2 or option 3 may elect to receive a reduced allowance and to stipulate that the actuarial equivalent of the increase in his retirement allowance, which became effective on said date, be ascribed to his designated beneficiary; provided, that such member shall clearly express this intention by filing a written application to said effect with the secretary-treasurer of the employees' retirement system of Alabama prior to October 1, 1976.

“(2) Any person who, prior to October 1, 1963, was in receipt of a benefit pursuant to Act No. 376, approved November 6, 1959, but was not a member of the system at the time of retirement shall not be entitled to receive an annual retirement allowance from the system, effective October 1, 1971, as follows:

“a. If such person was retired on or before January 1, 1956, an amount equal to \$79.20 multiplied by the number of years of his creditable service not in excess of 30 years.

“b. If such person was retired after January 1, 1956, an amount equal to \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years.

“(3) Prior to October 31, 1975, any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with subdivisions (1) or (2) of this subsection over the monthly allowance which he was receiving prior to October 1, 1975. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representatives or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of control.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill, H. 141 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 141:

Reps. Adams, Beasley, Beers, Biddle, Box, Breedlove, Burke, Buskey (JE), Butler, Carter, Clark (W), Clay, Colvin, Crow, Davis, Escott, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grouby, Hall, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Mathis, McClain, McDowell, McMillan, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

MOTION TO ADJOURN LOST

The motion offered by Rep. Frazier that the House adjourn until 10:00 o'clock a.m., Thursday, April 20, 1989, was lost.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to H. B. 147, was adopted.

Yeas 50; Nays 22.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Flowers, Ford, Freeman, Fuller, Goodwin, Gray, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Holmes, Johnson (RG), Laird, Layson, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Richardson, Sanderford, Seibels, Starkey, Thomas, Turner, Venable, White (G) and Zoghby.

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Nays:

Reps. Blake, Brooks, Crow, Curry, Davis, Escott, Frazier, Hogan, Holley, Hooper, Kvalheim, Parker, Payne, Petelos, Rains, Rogers, Spratt, Walker, Warren, Williams, Willis and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 391. To amend section 25-4-51; section 25-4-52; section 25-4-53; section 25-4-54, as amended by Act No. 88-783, H. 163, 1988 First Special Session; section 25-4-72, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-77, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-78; and section 25-4-91 of the Alabama Unemployment Compensation Act, Code of Alabama 1975, so as to provide the technical provisions necessary to change the state's Unemployment Compensation Experience Rating system from that known as the "Benefit Wage" formula (under which an employer's rate of contribution is determined upon the ratio of benefit wages upon which benefits are computed is to the employer's total taxable payroll) to the "Benefit Ratio" (under which the rate is based upon the ratio of actual benefits paid to an employer's former workers is to his total taxable payroll) effective with rate determinations for tax rate year 1991; to provide for four rate schedules, rather than a single schedule, based upon the condition of the trust fund balance in relation to the desired level of the fund and established the criteria for each rate under the formula; to set new minimum, maximum and intermediate rates for each schedule; to prescribe procedures for the implementation of, and transition to, the new system; to provide a revised formula for determining the desired level of the trust fund and set the appropriate rate schedule for the next following rate year based on the fund balance in relation to the desired level; to define shared costs and provide for the identification and for the accumulation of appropriate data and for the formula under which assessments to recover shared costs will be distributed; to repeal the special formula for determining contribution rates for maritime employers; to delete the provision suspending the experience rating account of an employing unit whose owner or primary officer(s) enter military duty until the return of such person(s); to increase the maximum weekly unemployment benefit to \$150.00 effective for weeks of unemployment within benefit years beginning

on or after January 7, 1990; and to remove language obsoleted by these amendments.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Rep. Frazier that the House adjourn until 10:00 o'clock a.m., Thursday, April 20, 1989, was lost.

Yeas 21; Nays 57.

Yeas:

Reps. Black, Blake, Clay, Colvin, Cosby, Crow, Davis, Escott, Holmes, Layson, Moon, Newman, Newton (D), Parker, Perdue, Rogers, Seibels, Spratt, Williams, Willis and Wright.

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Nays:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Curry, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Mathis, McDowell, McMillan, Melton, Newton (C), Payne, Penry, Petelos, Rains, Richardson, Sanderford, Starkey, Thomas, Turner, Venable, Warren, White (G) and Zoghby.

—57

H. 147 RESUMED

And the bill:

H. 147. (With Substitute) (With Amendment): This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975, 1975, which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location; to require the county tax collector to collect the municipal and county use taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975, which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location; to require the county tax collector to collect the municipal and county use taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-51-201, Code of Alabama 1975, is hereby amended as follows:

"Section 11-51-201. Applicability of provisions of state sales tax law.

"(a) All taxes levied or assessed by any city or town pursuant to the provisions of Section 11-51-200 shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments and deductions as are provided by Sections 40-23-1, 40-23-2, 40-23-4, 40-23-6 through 40-23-32 and 40-23-34 through 40-23-36, except where inapplicable, ~~or~~ where otherwise provided in this article, or as provided in subsection (b) herein.

"(b) Notwithstanding the provisions of subsection (a), the tax provided in section 11-51-200 on any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, which is not sold through a licensed Alabama dealer, shall be collected and fees paid in accordance with the provisions of sections 40-23-104 and 40-23-107, respectively."

Section 2. Section 11-51-203, Code of Alabama 1975, is hereby amended as follows:

"Section 11-51-203. Applicability of provisions of state excise or use tax law.

(a) All taxes levied or assessed by any city or town pursuant to the provisions of Section 11-51-202 shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments and deductions as are provided by Article 2 of Chapter 23 of Title

40 of this Code, except where inapplicable, or where otherwise provided in this article, or as provided in subsection (b) herein.

(b) Notwithstanding the provisions of subsection (a), the tax provided in section 11-51-202 on any automotive vehicle, truck trailer, trailer, semitrailer or travel trailer required to be licensed with the probate judge, which were sold by dealers that are not licensed in Alabama, or were sold by licensed Alabama dealers who failed to collect municipal or county sales taxes at the point of sale, shall be collected and fees paid in accordance with the provisions of sections 40-23-104 and 40-23-107, respectively."

Section 3. Section 40-12-4, Code of Alabama 1975, is hereby amended as follows:

"Section 40-12-4. County license tax for school purposes—Authority to levy.

(a) In order to provide funds for public school purposes, the governing body of each of the several counties in this state is hereby authorized by ordinance to levy and provide for the assessment and collection of franchise, excise and privilege license taxes with respect to privileges or receipts from privileges exercised in such county, which shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in such county. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of the county. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. All the proceeds from any tax levied pursuant to this section less the cost of collection thereof shall be used exclusively for public school purposes, including specifically and without limitation capital improvements and the payment of debt service on obligations issued therefor.

(b) Notwithstanding anything to the contrary herein, said governing body shall not levy any tax hereunder measured by gross receipts, except a sales or use tax which parallels, except for the rate of tax, that imposed by the state under this title; Any such sales or use tax on any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, where not collected by a licensed Alabama dealer at time of sale, shall be collected and fees paid in accordance with the provisions of sections 40-23-104 and 40-23-107, respectively. Nor shall any such governing body shall levy any tax upon the privilege of engaging in any business or profession unless such tax is levied uniformly and at the same rate against every person engaged in the pursuit of any business or profession within the county; except, that any tax levied hereunder upon the privilege of engaging in any business or profession may be measured by the number of employees of such business or the number of persons engaged in the pursuit of such profession. In all counties having more than one school system, revenues collected under the provisions of this section shall be distributed within such county on the same basis as funds received by the county from the minimum program fund are distributed within the county."

Section 4. Section 40-23-101, Code of Alabama 1975, is hereby amended as follows:

"Section 40-23-101. Sales tax levied on automotive vehicles, truck trailers, etc.

There is hereby levied and shall be collected as herein provided a sales tax upon every person, firm or corporation purchasing ~~other than at wholesale within this state, other than at wholesale,~~ any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer ~~or house trailer~~ required to be registered or licensed with the judge of probate of any county in this state from any person, firm or corporation ~~which that~~ is not a licensed dealer engaged in selling automotive vehicles, truck trailers, trailers, semitrailers, or travel trailers ~~or house trailers,~~ in an amount equal to two percent of the purchase price.

In addition to the two percent state sales tax, there shall also be collected any applicable municipal gross receipts or sales taxes and county sales taxes on the aforesaid vehicles listed in this section authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location. Penalties for falsifying or misrepresenting the correct taxing jurisdictions shall be as provided in section 40-29-115(b).

Section 5. Section 40-23-102, Code of Alabama 1975, is hereby amended as follows:

"Section 40-23-102. Excise tax levied on storage or use of automotive vehicles, truck trailers, etc.

There is hereby levied and shall be collected as herein provided, in lieu of the excise tax levied by subsection (c) of section 40-23-61, an excise or use tax upon every person, firm or corporation purchasing ~~other than at wholesale outside the state, other than at wholesale,~~ any automotive vehicle, truck trailer, trailer, semitrailer or travel trailer, ~~or house trailer~~ required to be registered or licensed with the judge of probate of any county in this state for use, storage or other consumption within this state ~~there is levied in lieu of the excise tax levied by subsection (c) of section 40-23-61,~~ a tax in an amount equal to two percent of the purchase price.

In addition to said two percent state use tax, there shall also be collected any applicable municipal and county use tax authorized by general or local law for the local taxing jurisdiction in which the purchaser resides, or, if a business, the business location on any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer purchased from dealers doing business outside the state of Alabama and from licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase. Penalties for falsifying or misrepresenting the correct taxing jurisdiction shall be as provided in Section 40-29-115(b).

Section 6. Section 40-23-104, Code of Alabama 1975, is hereby amended as follows:

"Section 40-23-104. Collection of taxes before registration or licensing; proof of purchase price; proof of payment of tax

(a) The tax collector shall collect:

(1) the taxes levied by this article;

(2) the municipal gross receipts or sales taxes and county sales taxes authorized by general or local law on sales made by a person or firm other than a licensed dealer;

(3) the municipal and county use taxes authorized by general or local law on sales made by dealers doing business outside the state of Alabama

and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; and

(4) the state use tax shall be collected by the tax collector before the registration of or licensing of on any such automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer or house trailer required to be registered or licensed by the judge of probate before such registration or licensing.

(b) The tax collector shall require, as proof of the purchase price of the automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer to be taxed, when purchased from a licensed dealer in this state, documentation of the price upon which any state, county or municipal sales tax was paid and which reflects the amount of such state, county or municipal sales tax paid and any other evidence of the purchase price as shall be prescribed by the department of revenue. All licensed dealers in this state shall furnish the purchaser of any of the aforesaid vehicles documentation showing the amount and rate of sales or gross receipts tax collected at the time of purchase for the state and for the municipality and county where the sale was made.

(bc) The tax collector shall require, as proof of the purchase price of the any other such automotive vehicle, or truck trailer, trailer, semitrailer, or travel trailer to be taxed, the presentment of a sworn report by the purchaser reflecting such purchase price on a form to be provided by the department of revenue accompanied by a properly executed bill of sale or other satisfactory evidence prescribed by the department of revenue.

(ed) In lieu of the requirements contained in subsection (bc) of this section, the purchaser may stipulate to the tax collector that the purchase price of the automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer or house trailer to be taxed is equivalent to a standard value for the year, make and model established by the department of revenue for the taxable item. The purchase price so stipulated shall be conclusively presumed to be the purchase price of such item for all purposes under this article.

(de) Before the registration of or licensing of any such automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer or house trailer, the judge of probate shall require proof of payment of the tax levied under this article as he deems to be necessary and proper.

(f) Any law to the contrary notwithstanding, the county tax collector shall remit all county and municipal sales, gross receipts and use taxes collected hereunder directly to the appropriate county or municipal tax recipient as otherwise provided by law, within 20 days following the last day of the month in which such taxes were collected. Penalty for failure to comply with this section shall be as provided in section 40-29-111."

Section 7. Section 40-23-107, Code of Alabama 1975, is hereby amended as follows:

"Section 40-23-107. Fees.

For making the collection of taxes levied under the authority of this article, or any section in this title which specifically refers to this section, the tax collector shall be entitled to a fee from each tax recipient in an amount equal to five percent of the first ~~\$100.00~~ \$10,000.00 of revenue collected for said recipient and ~~two~~ three percent of all revenue collected

over ~~\$100.00~~ \$10,000.00 for said tax recipient under this article each month. Such fee shall be for the use of the tax collector, except as otherwise provided by law. The fees allowed herein shall be deducted from the tax collections of each tax recipient each month and the remainder of such collections for each tax recipient shall be remitted to the department of revenue (in the case of each state tax collected) and to each other tax recipient as provided by law; provided, however, such fee shall be disallowed with respect to any tax collected for the state, county or municipality unless such collections are remitted to the department of revenue or appropriate county or municipal tax recipient within the time allowed by law. In all counties where the tax collector is paid on a salary instead of a fee basis all fees allowed under the terms of this section to be paid to the tax collector shall be paid, by said tax collector, into the county treasury, or to the official performing the duties of county treasurer."

Section 8. Section 40-29-115, Code of Alabama 1975, is hereby amended as follows:

"Section 40-29-115. Fraud and false statements.

(a) Any person who:

(1) DECLARATION UNDER PENALTIES OF PERJURY.—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

(2) AID OR ASSISTANCE.—Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the state revenue laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claims, or document; or

(3) FRAUDULENT BONDS, PERMITS, AND ENTRIES.—Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of this title, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof; or

(4) REMOVAL OR CONCEALMENT WITH INTENT TO DEFRAUD.—Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by section 40-29-23, with intent to evade or defeat the assessment or collection of any tax imposed by this title; shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000.00 (\$500,000.00 in the case of a corporation), or imprisoned not more than three years, or both.

(b) It shall be unlawful for anyone to falsify or misrepresent the correct residence address of the owner or the correct address of the business location, of an automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer with the intent to avoid municipal or county ad valorem, sales or use tax in any county or municipality in which the owner resides, or in which the business owner of such vehicle or trailer is subject to tax. Violation of this subsection shall be a Class C misdemeanor."

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective on October 1, 1989, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 66; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Burke, Butler, Carothers, Carter, Clark (W), Clay, Colvin, Curry, Escott, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hogan, Holmes, Johnson (RG), Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, White (G), Williams, Wright and Zoghby.

—66

Nays: Reps. Frazier, Holley and Rogers.

—3

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 147 as amended, said committee amendment being as follows:

Amend the substitute for House Bill 147, page 3, line 27, by inserting before Section 3 the following language:

(c) For making the collection of county or municipal taxes levied under the authority of this article, the tax collector shall be entitled to a fee from the recipient county or municipality in an amount equal to five percent of the first \$10,000.00 of revenue collected for said recipient and three percent of all revenue collected over \$10,000.00 for said tax recipient under this article each month. Such fee shall be for the use of the tax collector, except as otherwise provided by law. The fees allowed herein shall be deducted from the tax collection of each tax recipient each month and the remainder of such collections shall be remitted to each tax recipient as provided by law; provided, however, such fee shall be disallowed with respect to any tax collected for the county or municipality unless such collections are remitted to the appropriate county or municipal tax recipient within the time allowed by law. In all counties where the tax collector is paid on a salary instead of a fee basis all fees allowed under the terms of this section to be paid to the tax collector shall be paid, by said tax collector, into the county treasury or to the official performing the duties of county treasurer.

further amend the substitute for House Bill 147 by deleting Section 7, page 8, lines 9 through 33 in entirety, and renumbering subsequent sections accordingly.

And the amendment was adopted.

Yeas 66; Nays 6.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clay, Colvin, Curry, Davis, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Holmes, Johnson (RG), Kvalheim, Laird, Layyson, Lindsey, Logan, Marietta, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, White (G), Williams, Wright and Zoghby.

—66

Nays: Reps. Brooks, Frazier, Holley, Hooper, Parker and Rogers.

—6

H. 147 TEMPORARILY CARRIED OVER

On motion of Rep. Starkey, the bill, H. 147 as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell Budget Isolation Resolution relating to H. B. 425, was adopted.

Yeas 63; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Ford, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Marietta, Marks, Mathis, McDowell, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Rains, Rogers, Sanderford, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—63

And the bill:

H. 425. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers,

Carter, Clark (W), Clay, Colvin, Cosby, Crow, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—80

Nay: Rep. Holley.

—1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Fuller would have voted "Yea" on the bill, H. 425, had he been in the Chamber at the time of voting.

H. 147 RESUMED

And the bill:

H. 147. This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975, which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location; to require the county tax collector to collect the municipal and county use taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 57; Nays 14.

Yeas:

Reps. Beasley, Black, Blake, Blakeney, Box, Breedlove, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Escott, Flowers, Ford, Fuller, Gaston, Hamilton, Harper, Haynes, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Warren, White (G), White (L), Williams and Zoghby.

—57

Nays:

Reps. Beers, Brooks, Crow, Curry, Frazier, Higginbotham, Holley, Johnson (RG), Knight, Parker, Payne, Rains, Willis and Wright.

—14

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rains, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 946.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rains, Budget Isolation Resolution relating to H. B. 946, was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Escott, Ford, Frazier, Fuller, Gaston, Gray, Grouby, Hamilton, Harper, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Warren, White (G), Williams, Willis, Wright and Zoghby.

—76

And the bill:

H. 946. To amend Section 16-33-4 of the Code of Alabama 1975, relating to benefits for dependents of blind parents, so as to provide further for such benefits.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Curry, Escott, Flowers, Ford, Frazier, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

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RECESS

On motion of Rep. Campbell, the House recessed until 8:00 o'clock p.m.

HOUSE RECONVENED

The hour of 8:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the new Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 281. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

And said Bill, H. B. 281, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Campbell, the rules were suspended in order to receive the call of Districts for the Introduction of Bills and Resolutions.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell (With Notice and Proof):

H. 1019. Relating to Calhoun County; to require the installation and maintenance of an improved system of indexing documents affecting the

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title to property and other documents recorded in the office of the Judge of Probate; to provide for the collection and disposition of a special indexing fee; and to provide said system shall constitute official and permanent records in Calhoun County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1019, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Clark (J) (With Notice and Proof):

H. 1020. Relating to Barbour County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1020, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hogan (With Notice and Proof):

H. 1021. Relating to Walker County; amending Sections 6 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) as amended, relating to the county civil service system, so as to provide further for the compensation of the members of the civil service board; and to provide for electronically recorded hearings and for transcripts.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1021, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. White (L) and Hooper:

H. 1022. Making the following amendments to Section 27-27-44, Code of Alabama, 1975, pertaining to the process by which a mutual insurance company may convert to a stock insurance company: subdivision (b) (4) is amended to allow for greater flexibility in defining the class of policyholders eligible to receive distributions of stock or surplus as a result of the conversion; and, subdivision (b) (5) is amended to allow for the distribution of stock in a proposed parent corporation of the converting insurer.

Committee on Insurance.

By Reps. Parker and Drake (With Notice and Proof):

H. 1023. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire

departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1023, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 1024. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1024, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 1025. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1025, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 1026. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1026, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 1027. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses

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under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1027, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hall, Freeman, Brooks, Sanderford, and Butler:

H. 1028. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Madison County Commission to excavate human graves.

Committee on Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Rep. Parker (With Notice and Proof):

H. 1029. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1029, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McClain (With Notice and Proof):

H. 1030. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Brighton in Jefferson County.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1030, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Lindsey (With Notice and Proof):

H. 1031. Relating to Cherokee County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1031, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 1032. To further regulate horse racing events in Class 1 municipalities, Sections 11-65-1 through 11-65-47, Code of Alabama 1975, as amended, so as to authorize the racing commission to permit other pari-mutuel wagering including dog racing events, subject to the same regulations, penalties and entitlements as horse racing events to the extent these are applicable; to permit the dog events to be held in facilities adjacent to but not on the same premises or shared tracks as facilities for horse racing, or to allow the operation of any dog track facilities and events in a separate location, from the horse racing events location, within such municipality; to provide for a certain percent of the handle to be used to retire certain losses related to the horse racing operations; and to provide for a county-wide referendum.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1032, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Starkey:

H. 1033. To amend section 40-18-19, Code of Alabama 1975, relating to exemptions from income tax, so as to exempt the retirement income of federal employees.

Committee on Ways and Means.

By Rep. Marietta:

H. 1034. To authorize the governing body of any county in this state and any participating municipality to establish public corporations to acquire, enlarge, improve, replace, own, lease and dispose of properties to the end that such corporations may develop land as sites for industrial parks, including provisions for water, sewage, drainage, transportation, power and communication facilities and other similar facilities incidental to the use of land as an industrial park and to vest in such corporations all powers necessary to enable them to accomplish such purposes.

Committee on Ways and Means.

By Rep. Venable (With Notice and Proof):

H. 1035. To authorize the governing body of Wetumpka to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Wetumpka, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

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I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1035, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senators Smith (B) and Hale:

S. 120. To amend sections 4-3-45, 4-3-47 and 4-2-9, Code of Alabama 1975, which relate to airport authorities and airport safety; so as to: provide that the governor appoints members of an airport authority board of directors if the state is the sole or primary authorizing agency; to provide further for the powers of airport authorities under section 4-3-47; to authorize airport authorities created pursuant to other legislative acts to adopt powers enumerated in section 4-3-47; and to prohibit hunting or discharge of firearms on or near any airport facility or aircraft.

Also:

By Senators Smith (B) and Hale:

S. 121. Relating to aviation and airport zoning in Alabama; to amend Sections 4-6-1, 4-6-2, 4-6-3, 4-6-4, 4-6-5, 4-6-6, 4-6-7 and 4-6-8, Code of Alabama 1975, so as to: expand the short title, the definitions and statements of declared public purpose to include compatible land use regulations as a function of airport zoning in Alabama; to provide further for the adoption of hazard and compatible land use standards and ordinances by counties and municipalities, and for the enforcement of such ordinances; to provide further for the procedures by which counties and municipalities adopt zoning regulations; to redefine reasonableness of standards for adoption of regulations; and to provide further for variances to limit liabilities to persons receiving variances.

Also:

By Senators Smith (B), Bedsole, and Hale:

S. 527. To amend the Securities Act of Alabama, Section 8-6-11 of the Code of Alabama 1975, relating to the regulation of the sale, selling, offering, offering to sell and registration of securities so as to provide further for the exemption of certain transactions from the provisions of the Securities Act of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 120. State Administration.

S. 121. State Administration.

S. 527. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Sanders:

S. 273. To increase the number of trustees on the Board of Trustees of Selma University and provide for their appointment.

Also:

By Senator Bennett:

S. 518. Relating to the Tenth Judicial Circuit, Jefferson County, Alabama, and the official court reporter; further amending the title and Sections 4 and 5 of Act No. 52, H. 18 of the Second Special Session, 1955 (Acts of 1955, p. 161), and as amended by Act No. 209, H. 698 of the Regular Session, 1955 (Acts of 1955, p. 514), providing for the said court reporters and the county compensation payable from county funds, so as to further provide therefor.

Also:

By Senator Manley (With Notice and Proof):

S. 592. To alter and rearrange the boundary lines of the City of Demopolis, Marengo County, Alabama, so as to include within the corporate limits of said city, in addition to the present territory included within the corporate limits, certain other territory.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 592, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 273. Education.

S. 518. Local Legislation No. 2.

S. 592. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Figures:

S. 378. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

Also:

By Senators Cabaniss and Foshee:

S. 398. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 378. Ways and Means.

S. 398. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Ellis:

S. 61. To establish an Alabama Uniform Fraudulent Transfer Act and provide: definitions; provisions for debtor insolvency; to clarify the meaning of value; determination as to transfers fraudulent as to present and future creditors; determination as to when the transfer is made; remedies of creditors; provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished. This bill applies only to transfers made or obligations incurred after the effective date of this Act and further repeals Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended. The act will become effective January 1, 1990.

Also:

By Senator Amari:

S. 532. To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political

subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to a private entity and owned by a private entity for Alabama or federal income tax purposes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 61. Judiciary.

S. 532. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Smith (J):

S. 419. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 419. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Dixon:

S. 365. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and

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administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

Also:

By Senator Parsons:

S. 368. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 365. Ways and Means.

S. 368. Small Business.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senators Bedford, Preuitt, Denton, Drinkard, Bailey, Bennett, Manley, Amari, and Hale:

S. 311. To amend section 13A-12-250, Code of Alabama 1975, which imposes an additional penalty for the sale of illegal drugs on or near a school campus, so as to provide for an additional penalty for a sale within three miles of a school campus.

Also:

By Senators Bedford, Preuitt, Denton, Drinkard, Bailey, Bennett, Manley, Amari, and Hale:

S. 312. To impose an additional penalty for the sale of illegal drugs within three miles of a public housing project.

Also:

By Senators Cabaniss, Drinkard, deGraffenried, Dial, Bailey, Campbell, and Foshee:

S. 326. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of the affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 311. Judiciary.
- S. 312. Judiciary.
- S. 326. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Mitchem:

S. 7. To provide that any person who kills a dog used by a peace officer within the line and scope of said officer's duties shall be guilty of a felony offense.

Also:

By Senators Dial and Ellis:

S. 429. To create the Fortieth Judicial Circuit and provide for the circuit judgeship and district attorney thereof; to redesignate the Circuit Judgeships in the Eighteenth Judicial Circuit after one judgeship for the Eighteenth Circuit is transferred and redesignated as the judgeship for the Fortieth Judicial Circuit; to create an additional judgeship for the Eighteenth Judicial Circuit to take effect in the future; to create an additional district judgeship to serve Shelby County; to amend Sections 12-11-2, 12-17-20 and 12-17-61, Code of Alabama 1975, relating to the composition of judicial circuits and the number of circuit and district judges; and to provide an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 7. Judiciary.
- S. 429. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bedsole:

S. 297. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and 9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244 with respect to deer or turkey.

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Also:

By Senator Mitchem:

S. 304. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county commission of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

Also:

By Senator Holmes:

S. 469. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 297. Agriculture, Forestry and Natural Resources.

S. 304. Ways and Means.

S. 469. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bedsole and Bailey:

S. 296. Proposing an amendment to the Constitution of Alabama of 1901, relating to authorizing the creation of county water authorities by a general or a local act of the Legislature.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 296, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Drinkard, Bedsole, Barron, and Dixon:

S. 281. Relating to the operation of motor vehicles and the rules of highway and traffic safety; to amend Sections 32-5-76 and 32-5A-60 of the Code of Alabama 1975, relating to rules of the road so as to further prohibit the spilling, depositing or throwing of foreign materials or litter from a motor vehicle onto a highway, road, street or public right-of-way; to provide for the use of the uniform traffic citation in certain instances for violations; and to provide further for penalties for violations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 281. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Corbett, Campbell, deGraffenried, Hale, and Dial:

S. 348. To amend sections 6-6-332 and 35-9-82, Code of Alabama 1975, relating to service of process, so as to provide further for procedures for service of process.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 348. Judiciary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and

wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 391. To amend section 25-4-51; section 25-4-52; section 25-4-53; section 25-4-54, as amended by Act No. 88-783, H. 163, 1988 First Special Session; section 25-4-72, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-77, as amended by Act No. 88-784, H. 188, 1988 First Special Session; section 25-4-78; and section 25-4-91 of the Alabama Unemployment Compensation Act, Code of Alabama 1975, so as to provide the technical provisions necessary to change the state's Unemployment Compensation Experience Rating system from that known as the "Benefit Wage" formula (under which an employer's rate of contribution is determined upon the ratio of benefit wages upon which benefits are computed is to the employer's total taxable payroll) to the "Benefit Ratio" (under which the rate is based upon the ratio of actual benefits paid to an employer's former workers is to his total taxable payroll) effective with rate determinations for tax rate year 1991; to provide for four rate schedules, rather than a single schedule, based upon the condition of the trust fund balance in relation to the desired level of the fund and established the criteria for each rate under the formula; to set new minimum, maximum and intermediate rates for each schedule; to prescribe procedures for the implementation of, and transition to, the new system; to provide a revised formula for determining the desired level of the trust fund and set the appropriate rate schedule for the next following rate year based on the fund balance in relation to the desired level; to define shared costs and provide for the identification and for the accumulation of appropriate data and for the formula under which assessments to recover shared costs will be distributed; to repeal the special formula for determining contribution rates for maritime employers; to delete the provision suspending the experience rating account of an employing unit whose owner or primary officer(s) enter military duty until the return of

such person(s); to increase the maximum weekly unemployment benefit to \$150.00 effective for weeks of unemployment within benefit years beginning on or after January 7, 1990; and to remove language obsoleted by these amendments.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Breedlove, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 950.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Breedlove, Budget Isolation Resolution relating to H. B. 950, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Breedlove, Brooks, Burke, Buskey (JE), Butler, Carothers, Carter, Clay, Colvin, Crow, Curry, Ford, Fuller, Gaston, Grouby, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Petelos, Richardson, Sanderford, Spratt, Starkey, Thomas, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

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And the bill:

H. 950. To amend Act 88-824, so as to extend amnesty for payment of ad valorem taxes on tangible personal property by revising the date for filing, assessment, and payment of taxes to June 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Breedlove, Brooks, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Curry, Davis, Ford, Fuller, Gaston, Grouby, Hammett, Harper, Harvey, Haynes, Headley, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis,

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McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Richardson, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Willis, Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Slaughter, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 405.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Slaughter, Budget Isolation Resolution relating to H. B. 405, was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Crow, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Kennedy, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Wright and Zoghby.

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And the bill:

H. 405. (With Substitute): To exempt from all state, county and municipal sales taxes the sale of food to needy persons pursuant to any program conducted by a charitable or not-for-profit organization under conditions where the food is sold to such needy persons at a discounted cash price not greater than fifty percent of its retail fair market value and at least one hour of community or charitable work is required to be performed by each person purchasing such food for every ten dollars of the discounted cash purchase price.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To exempt from all state, county and municipal sales taxes the sale of food pursuant to the food distribution program conducted by Christian Service Mission, Inc., in cooperation with World Share, Inc.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby exempted from all state, county and municipal sales taxes the sale of food pursuant to the food distribution program

conducted by Christian Service Mission, Inc., an Alabama not-for-profit corporation, in cooperation with World Share, Inc., to enable needy persons to purchase food at substantially discounted prices and in consideration of the performance of charitable or community work by such persons.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

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And the bill:

H. 405. To exempt from all state, county and municipal sales taxes the sale of food pursuant to the food distribution program conducted by Christian Service Mission, Inc., in cooperation with World Share, Inc.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

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SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Gaston, Budget Isolation Resolution relating to H. B. 152, was adopted.

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Yeas 54; Nays 4.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Ford, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Mathis, McMillan, Moon, Newman, Newton (D), Payne, Spratt, Thomas, Turner, Venable, Warren, White (F) and White (L).

—54

Nays: Reps. Hamilton, Holley, Rogers and White (G).

—4

CO-SPONSOR ADDED

Rep. Marietta was added as co-sponsor to the bill, H. 152.

And the bill:

H. 152. To authorize the Alabama State Docks Department to use funds for a safety incentive program.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 10.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Butler, Clark (W), Clay, Colvin, Cosby, Curry, Fuller, Gaston, Grouby, Hammett, Harper, Harvey, Higginbotham, Hooper, Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, McDowell, McMillan, Newman, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Thomas, Turner, Venable, Warren, White (L), Williams, Wright and Zoghby.

—53

Nays:

Reps. Hamilton, Haynes, Holley, Johnson (RG), Johnson (RW), Mathis, Mikell, Moon, Walker and White (G).

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 152:

Reps. Beers, Box, Breedlove, Buskey (JE), Clark (W), Grouby, Harper, Hooper, Kennedy, Knight, Kvalheim, Marietta, McMillan, Newman, Penry, Turner and Zoghby.

RESOLUTIONS

The following resolution was introduced:

By Reps. Venable, Buskey (JE), Zoghby and Curry:

H. J. R. 372. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

WHEREAS, it is necessary for the Legislature to provide for fair and accurate elections in a democratic society; and

WHEREAS, among other issues there exists considerable conflicts in the current election laws, the costs involved in holding elections have increased dramatically, and the increased use of absentee ballots presents a potential for abuse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study election law reform. The committee shall be composed of 4 members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the laws relating to elections.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 5th legislative day of the 1990 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.00.

The resolution, H. J. R. 372, was read and referred to the standing committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 373. COMMENDING ROBERT F. ZUMSTEIN, M.D., FOR DEDICATED PROFESSIONAL SERVICE.

Also:

By Rep. Flowers:

H. R. 374. CONGRATULATING MR. AND MRS. HAROLD RODGERS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Hogan:

H. R. 375. COMMENDING MARGARET A. NUTTALL FOR DISTINGUISHED SERVICE TO WALKER COUNTY, ALABAMA.

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Also:

By Rep. Turnham:

H. R. 376. MOURNING THE DEATH OF ELIJAH DENTON CHASTAIN OF AUBURN, ALABAMA.

Also:

By Rep. Turnham:

H. R. 377. NOTING WITH HONOR THE ESTABLISHMENT OF THE ALL-STATE ACADEMIC TEAM AND ITS INAUGURAL MEMBERS.

Also:

By Rep. Turnham:

H. R. 378. MOURNING THE DEATH OF MARGARET HODGE CROWDER OF AUBURN, ALABAMA.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

Rep. Beers offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 257.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 8:30 P.M. on March 18, 1989.

H. 177

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Beers and pursuant to the resolution, H. R. 371, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, April 20, 1989.

TWENTY-FIRST DAY

House of Representatives
Montgomery, Alabama
Thursday, April 20, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Terry Erby, First Baptist Church, Wilmer, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jim Plyer, Jasper, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twentieth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Ford, the reading at length of the Journal of the House for the twentieth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twentieth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Drake, leave of absence was granted for Rep. Coburn.

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At the request of Rep. Zoghby, leave of absence was granted for Rep. Marietta.

At the request of Rep. Gray, leave of absence was granted for Rep. Seibels.

JOINT SESSION

Pursuant to resolution, H. J. R. 75, the Senate and House of Representatives of the Legislature of Alabama met in Joint session in the Hall of the House of Representatives for the purpose of hearing an address by Supreme Court Justice Sonny Hornsby, Montgomery, Alabama.

The joint session was called to order by the Hon. Jim Folsom, Jr., Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber

The Speaker of the House then called the House to order.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 90. (With Substitute): To amend Section 40-18-20, Code of Alabama 1975, relating to military retirement benefits being exempted from income taxes, so as to provide further for said exemption.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 983. To amend Code of Alabama, 1975, Section 40-23-4.1 relating to the sales tax exemption for prescription drugs by clarifying previous legislative intent regarding the sales of drugs to hospitals. This clarification does not constitute a change in, but is declaratory of, pre-existing law.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 71. (With Amendments): Relating to the Teachers' Retirement System of Alabama; providing that certain persons now employed by state technical colleges may elect to purchase credited service up to eight years for certain service rendered to Athens State College; providing for the cost of such credited service; and providing for the expiration of such option.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 365. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become

members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

S. 304. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county commission of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

H. 789. Repeals Section 40-17-51 and amends all taxes on gasoline so as to create an exclusive statewide gasoline tax. Amends 40-17-2 to increase the excise tax on diesel fuel; amends 40-17-31 to increase the excise tax on gasoline; amends 40-17-38 to increase the discount to distributors, etc., to offset cost of making reports and maintaining records concerning payment and collection of gasoline tax; amends 40-17-70 to delete the definition of "base annual county distribution," to redefine the terms, "local subdivisions' share of the net tax proceeds," "net tax proceeds," "state's share of the net tax proceeds"; amends 40-17-72 to change the state's share of the net tax proceeds; amends 40-17-73 to change the counties' share of the net tax proceeds; amends 40-17-174 to provide for one-time collection of wholesale oil license fee in a given fiscal year; amends 40-17-220 to abolish the additional excise tax on gasoline; amends 8-17-87 to abolish the inspection fee on gasoline and diesel fuel; amends 40-17-38 to raise the discount allowed to distributors, etc., under 40-12-194; abolishes all local taxes, county and municipal levied on or measured by the sale of gasoline or diesel fuel; and provides for protection of revenue to counties and municipalities.

H. 522. To authorize the establishment of catastrophic sick leave programs by various boards of education on a voluntary basis; to permit employees to donate days; and to provide for uniform rules.

H. 439. To make an appropriation from the State General Fund to the Alabama 4-H Foundation for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

H. 333. To amend Section 36-30-2 of the Code of Alabama 1975, as amended, so as to increase the amount of the death benefit paid to survivors of peace officers and firemen killed on duty.

H. 330. To provide that any member of the Teachers' Retirement System who is employed as a teacher in the public schools of Alabama may purchase credit for such service regardless of the manner in which the member's salary was paid or the source of such funds; provided, however, that this provision shall not apply to any member who at the time of such claimed service was also a student at the institution by which he was employed.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 43. (With Amendment): Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service up to 24 months for certain time such persons were on leave of absence;

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providing for the cost of such credited service; and providing for the expiration of such option.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 32. To further amend Section 40-9-12, Code of Alabama, 1975, as last amended so as to provide exemptions of all real and personal property of Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc. and Goodwill Industries of Central Alabama, Inc. from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 761. (With Substitute): To expand the Low Income Home and Energy Assistance Program (LIHEAP) to more poor families.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1004. (With Substitute) (With Amendment): To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1005. (With Substitute): To exempt from sales and use taxation, any mobile home set-up supplies and materials.

H. 1006. (With Substitute): Relating to mobile home taxation; to impose a sales and use tax on the sale of any house trailer or mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling house trailers or mobile homes.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1010. To amend Section 40-28-3, Code of Alabama 1975, which provides for the distribution of the in-lieu-of-taxes payments made by the

Tennessee Valley Authority, so as to provide further for the distribution to counties.

H. 990. To make an appropriation of \$150,000 from vehicle inspection fees collected to the Alabama Department of Revenue for operating and maintaining the state vehicle inspection program for the fiscal year ending September 30, 1989.

H. 991. To make an appropriation of \$150,000 from vehicle inspection fees collected to the Alabama Department of Revenue for operating and maintaining the state vehicle inspection program for the fiscal year ending September 30, 1990.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 469. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

S. 186. To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other high-ways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local

improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate

outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments for the benefit of such warrants; to provide for severability of the provisions of this Act and for the repeal of inconsistent laws; and to establish the effective date of this Act.

S. 58. To propose an amendment to the Constitution to provide that no bond, warrant or any other obligation of any county shall be considered a bond for the purposes of Section 222 of the Constitution of Alabama of 1901, as amended, nor shall any bond, warrant or any other obligation of any county be included in the indebtedness of such county within the meaning of any provision of Section 224 of the Constitution of Alabama of 1901, as amended, if any such bond, warrant or other obligation is issued to provide, improve or repair any public facilities or improvements (including, without limitation, roads, streets, sidewalks, sanitary sewers, storm water sewers, sewage treatment facilities, flood control facilities, seawalls, and lighting systems) specially benefiting, to any degree, one or more tracts or parcels of property if the cost of such public facilities or improvements is to be assessed, in whole or in part, against such property.

The above bill was read a second time at length as required by the Constitution.

S. 480. Relating to competitive bidding on public contracts and public works; amending further section 41-16-57, Code of Alabama 1975, relating to preference being given to Alabama commodities or firms, so as to proscribe specifying the use of materials or systems by a sole source except in certain instances; amending further sections 41-16-51 and 39-2-1, Code of Alabama 1975, providing that contracts entered into in violation of certain statutes shall be void, so as to provide that certain violations will be Class C felonies.

S. 14. To amend Section 12-13-41 Code of Alabama 1975, which relates to duties of probate judges of this state so as to allow any probate office which maintained a single volume bound index volume for deeds, mortgages and other instruments on January 1, 1989 to continue to use such index, and to authorize any probate office to combine an index for the registration of deeds, mortgages and other instruments in a single mechanical electronic or computerized data base.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 116. (With Substitute): To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975;

to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute sexually deviant material and to non-consenting adults obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material to non-consenting adults; to define and prohibit the distribution to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all sexually deviant material, obscene material disseminated publicly to a non-consenting adult, and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this Act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this Act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this Act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 726. (With Amendments): To provide for a community corrections plan and procedure as an alternative to incarceration for eligible offenders who have been convicted of a nonviolent felony offense; to provide for local community corrections advisory boards in the judicial circuits and counties to adopt a local community corrections plan and qualify for receipt of grants and funding; to provide for the establishment of such alternative plans and program by resolution of county commissions whereby state funds may be granted to and contracted with or through local governments and qualified nonprofit, human service agencies and entities to provide planning, treatment, guidance, training or other rehabilitation services and programs; to provide for cooperation with the department of corrections; and to provide for discretion of the trial judge in sentencing and revocation of sentencing to such alternative corrections programs.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 61. (With Substitute): To establish an Alabama Uniform Fraudulent Transfer Act and provide: definitions; provisions for debtor insolvency; to

clarify the meaning of value; determination as to transfers fraudulent as to present and future creditors; determination as to when the transfer is made; remedies of creditors; provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished. This bill applies only to transfers made or obligations incurred after the effective date of this Act and further repeals Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended. The act will become effective January 1, 1990.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 790. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority:

S. 120. To amend sections 4-3-45, 4-3-47 and 4-2-9, Code of Alabama 1975, which relate to airport authorities and airport safety; so as to: provide that the governor appoints members of an airport authority board of directors if the state is the sole or primary authorizing agency; to provide further for the powers of airport authorities under section 4-3-47; to authorize airport authorities created pursuant to other legislative acts to adopt powers enumerated in section 4-3-47; and to prohibit hunting or discharge of firearms on or near any airport facility or aircraft.

S. 121. Relating to aviation and airport zoning in Alabama; to amend Sections 4-6-1, 4-6-2, 4-6-3, 4-6-4, 4-6-5, 4-6-6, 4-6-7 and 4-6-8, Code of Alabama 1975, so as to: expand the short title, the definitions and statements of declared public purpose to include compatible land use regulations as a function of airport zoning in Alabama; to provide further for the adoption of hazard and compatible land use standards and ordinances by counties and municipalities, and for the enforcement of such ordinances; to provide further for the procedures by which counties and municipalities adopt zoning regulations; to redefine reasonableness of standards for adoption of regulations; and to provide further for variances to limit liabilities to persons receiving variances.

S. 201. To amend Sections 41-4-110, 41-4-111 and 41-4-113 of the Code of Alabama 1975, so as to change the name of the Division of Purchases and Stores to the Division of Purchasing and to remove anachronistic language relating to the maintenance by the division of stores for storage and distribution of personal property.

S. 9. To establish an asbestos contractor accreditation plan for Alabama in compliance with Title II, Section 206 of the Toxic Substances Control

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Act of the United States (15 U.S.C.A. §2646); to designate the Safe-State Program, a division of the University of Alabama, as the state agency to administer the plan; to provide the agency certain powers and authority; and to require certain notification and documentation of accreditation of asbestos contractors to the Alabama Department of Environmental Management.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 437. (With Substitute) (With Amendment): To prohibit smoking in certain public places; to create the "Alabama Clean Indoor Air Act"; and to provide a criminal penalty for violations of this act.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 735. (With Amendments): To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the Board; to provide for the administration of said fund; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 851. Relating to persons doing business as a pawnbroker or flea market operator in this state, so as to require that certain records of their business operations be kept and be available for inspection by any law enforcement officer having competent jurisdiction; to require buyers to keep records; and to provide for penalties for violations.

H. 963. To amend Section 36-23-1, Code of Alabama 1975, relating to constables, so as to provide certain qualifications for constables, to provide for abolishing the office by local referendum and to provide for the removal of constables from office in certain instances.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 962. To amend Section 10-4-106 of the Code of Alabama 1975, relating to health care service plans so as to provide for periods of open enrollment to be offered to all Alabamians without evidence of insurability.

H. 1022. Making the following amendments to Section 27-27-44, Code of Alabama, 1975, pertaining to the process by which a mutual insurance company may convert to a stock insurance company: subdivision (b) (4) is amended to allow for greater flexibility in defining the class of policyholders eligible to receive distributions of stock or surplus as a result of the conversion; and, subdivision (b) (5) is amended to allow for the distribution of stock in a proposed parent corporation of the converting insurer.

S. 326. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of the affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 297. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and 9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244 with respect to deer or turkey.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 217. To amend Section 41-23-22, Code of Alabama 1975, relating to the criteria and number of enterprise zones, so as to increase the authorized number from 25 to 27.

Rep. Moon, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 969. To authorize any quasi-public or private hospital which was previously a public hospital to give cost-of-living increases to any retiree of the employees' retirement system who was employed by any such hospital when it was a public hospital and who was a member of the employees' retirement system during such employment; and to provide that such cost-of-living increases may be granted from certain foundation or trust funds established from hospital earnings during the time the hospital was a public facility.

Rep. Williams, Chairman of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 353. Relating to alcoholic beverages; to authorize a county-wide election or municipal elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within any wet county or wet municipality in this state.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 693. Relating to the City of Florence; to provide for the establishment of a civic center; to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; and to authorize the municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the municipality.

H. 695. Relating to Lauderdale County; authorizing the county commission to levy an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at a certain rate; to provide for the collection and payment of such tax and to provide for the distribution of the funds derived therefrom; to authorize the Lauderdale County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Lauderdale County Commission for the collection of said taxes.

H. 1031. Relating to Cherokee County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Rep. Hall, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 911. Relating to the City of Madison in Madison County, Alabama; to authorize the City Council, by ordinance, to regulate blasting and the storage, keeping, hauling and use of explosives.

H. 1028. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Madison County Commission to excavate human graves.

The above bill was read a second time at length as required by the Constitution.

H. 921. Relating to Madison County; granting to the Madison County Commission the power by ordinance to regulate and prevent the running at

large of dogs and to pass all ordinances necessary for the impounding and sale of such dogs and the destruction of such dogs.

Rep. Hall, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute and it was read a second time and placed on the Calendar, to-wit:

H. 299. (With Substitute): To propose an amendment to the Constitution of Alabama providing for financial home rule for the City Board of Education for the City of Huntsville, Alabama, and which gives the Board of Education of the City of Huntsville, Alabama, the power to submit binding tax referendums for education revenues to the voters of the City of Huntsville, Alabama.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 570. Relating to Clay County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

H. 1019. Relating to Calhoun County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide for the collection and disposition of a special indexing fee; and to provide said system shall constitute official and permanent records in Calhoun County.

H. 1020. Relating to Barbour County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

H. 1021. Relating to Walker County; amending Sections 6 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) as amended, relating to the county civil service system, so as to provide further for the compensation of the members of the civil service board; and to provide for electronically recorded hearings and for transcripts.

H. 1023. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

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H. 1024. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1025. (With Amendment): Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1026. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

H. 1027. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

H. 1029. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Windom, Bedsole, Hand, and Figures:

S. J. R. 155. COMMENDING DR. FREDERICK P. WHIDDON FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF SOUTH ALABAMA AND AS MOBILIAN OF THE YEAR.

Also:

By Senators Goodwin and Denton:

S. J. R. 156. DESIGNATING THE EASTERN TIGER SWALLOW-TAIL AS THE OFFICIAL MASCOT AND STATE BUTTERFLY FOR THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Box, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 155, the title of which is set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 156, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hilliard:

S. J. R. 163. HONORING MILES COLLEGE SCHOOL OF LAW IN BIRMINGHAM, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Newton (D), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 163, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Bedsole:

S. J. R. 148. MOURNING THE DEATH OF MRS. MARY FRANK SLEDGE OF MOBILE, ALABAMA.

Also:

By Senators Langford and Corbett:

S. J. R. 149. MOURNING THE UNTIMELY DEATH OF MRS. MARY HOWARD.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 148, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Buskey (JL), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 149, the title of which is set out in the above and foregoing Message from the Senate.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Ellis:

S. J. R. 140. COMMENDING CHARLOTTE DRAPER OF VALLEY ELEMENTARY SCHOOL, PELHAM, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Knight, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 140, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management, the Highway Department and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

And said Bill, H. B. 642, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 721. Relating to the City of Birmingham in Jefferson County; to amend Article V, Sections 1 and 2 and Article VI of Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620, Regular Session 1973 (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, and for cost of living increases to benefits being paid.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Gray, the House concurred in and adopted the Senate amendment to the bill, H. 721, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

TO AMEND ACT NO. 929, 1951, REGULAR SESSION (GENERAL ACTS OF 1951, p. 1579), AS AMENDED BY ACT NO. 1272, 1973 REGULAR SESSION (ACTS 1973, p. 2124), AND AS PREVIOUSLY AND SUBSEQUENTLY AMENDED WHICH CREATED A RETIREMENT AND RELIEF SYSTEM FOR OFFICERS AND EMPLOYEES OF THE CITY OF BIRMINGHAM, SO AS TO PROVIDE FURTHER FOR PARTICIPANT AND CITY CONTRIBUTIONS, FOR BENEFIT INCREASES, AND FOR RELATED MATTERS.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article V. Section 1. of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby further amended to read in full as follows:

"Section 1. Participant's Contributions.

(a) Until subsection (b), below, becomes effective, each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to seven percent (7%) of his actual monthly salary and said deductions by the City shall immediately be paid into the Fund.

(b) Commencing with the first payroll period (October 10, 1975) which begins after the effective date of this subsection (b), and continuing thereafter, each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to six percent (6%) of his actual monthly salary and said deductions by the City shall immediately be paid into Fund.

(c) Should the City through error, inadvertence or otherwise, neglect to make proper deduction for the fund from the salary of any employee member for any payroll period, the employee member shall be liable to the fund for the amount or amounts that should have been deducted and shall pay said amount to the custodian on demand.

(d) Commencing with the first full payroll period after June 30, 1989, which full payroll period begins after the effective date of this subsection, each participant shall contribute to the cost of the System, and the City shall deduct from said participant's pay, an amount equal to seven percent (7%) of actual monthly pay, said amount to be immediately paid into the Fund.

(e) Notwithstanding this section, participants who are employees of the Jefferson County Department of Health shall continue to contribute only six percent (6%) of actual pay to the Fund."

Section 2. Article V., Section 2. of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby further amended to read in full as follows:

"Section 2. City's Contributions.

At the same time the deductions attributable to participants' contributions are paid into the Fund, the City will pay into the fund an equal amount."

"The Jefferson County Department of Health shall pay into the fund from its general or otherwise appropriate funds its Current Service Costs and its Past Service Costs to be determined as of the date of the commencement of each fiscal year of the City as follows:

"a. The actuaries shall determine the Normal Cost of the benefits provided by the System which are attributable to Health Department Participants.

"b. From the normal cost shall be subtracted the value of the Health Department Participants' contributions in the previous City Fiscal Year.

"c. The remainder thus arrived at shall be divided by the total covered payroll of all Health Department Participants as of the first day of the City Fiscal Year, the resultant percentage shall be called the 'Current Service Percentage' and the Current Service Percentage shall be multiplied by the total covered payroll of all Health Department Participants at the end of each Payroll Period to determine the Health Department's 'Current Service Cost' for the Payroll Period.

"d. The actuaries shall determine the single sum of unfunded Accrued Liability and shall amortize it from that date over a period of thirty (30) years, attributing a ratable portion to the Health Department Participants.

"e. This unfunded Accrued Liability, as amortized over thirty (30) years, shall be divided by total covered payroll of all Health Department Participants, the resultant percentage shall be called the 'Past Service Percentage' and the Past Service Percentage shall be multiplied by the total covered payroll of all such Participants at the end of each Payroll Period to determine the 'Past Service Cost' for the Payroll Period."

Section 3. Article VI, of Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, is hereby amended by adding thereto an additional section to read as follows:

"Section 23. Cost of Living Increases.

Upon approval of the governing body of the municipality primarily served by the System and upon approval of the Board of Managers, an increase in the amount of benefits, including improvements in the terms of benefits such as earlier vesting, and cost of living increases for past and future retirees, may be granted, subject to the terms and conditions stated herein. Such increases shall not apply to participants or retirees of the Jefferson County Department of Health.

Prior to approving an increase in the above described benefits, the Board shall obtain the actuarial evaluation of the fund. Such evaluation shall project the actuarial cost of benefits for the succeeding plan year and shall combine therewith the applicable payment required under the current and any future plan for amortizing unfunded Accrued Liability. This total amount shall be deducted from the total of participant's and city contributions. The remaining balance shall become the total available for benefit increases. Upon approval of the Board and the municipal governing body, this amount may be used to pay the cost, as determined by the Board's actuary, of benefit increases, improved vesting provisions, cost of living increases for past and future retirees, a reserve, and other benefits which may be adopted. Such benefit increases may be discontinued or reduced in the event participant and city contributions are not sufficient to pay all cost thereof. Such increases shall

not apply to participants or retirees of the Jefferson County Department of Health.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Brooks, Bryant, Buskey (JE), Clark (W), Curry, Dillard, Escott, Gray, Hamilton, Kennedy, Knight, Marks, McClain, McDowell, Mikell, Newton (D), Parker, Perdue, Sanderford, Spratt, Starkey, Thomas, White (G), Williams and Wright.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 321, without the Governor's signature and with a suggested Executive Amendment.

Done this 11th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 321, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 321:

Please amend House Bill No. 321 by making the following changes:

Page 5, line 17, after the word "made", insert the words "by the governor".

Page 5, line 21, delete the phrase "by the governor" and insert in lieu thereof "by the governor".

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Page 5, line 24, delete the words "governor" and "appointing authority", and insert in lieu thereof the word "governor".

Page 5, line 32, delete the word "lieutenant".

Page 6, lines 4 and 5, delete the words "speaker of the house of representatives" and insert in lieu thereof the word "governor".

Page 6, line 8, delete the word "lieutenant".

Page 6, line 10, delete the words "speaker of the house of representatives" and insert in lieu thereof the word "governor".

Page 10, line 15, delete the word "licenses" and insert in lieu thereof the word "certificates".

Page 10, line 16, delete the word "licensed" and insert in lieu thereof the word "certified".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 11th day of April, 1989.

Respectfully,
GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Buskey (JL), the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 321, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clark (W), Clay, Crow, Curry, Davis, Dillard, Escott, Ford, Gray, Grouby, Hamilton, Hammett, Harper, Haynes, Higginbotham, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis and Wright.

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And the bill:

H. 321. To relate to the Alabama Sunset Law; to continue the existence and functioning of the plumbers and gas fitters examining board with certain modifications; to amend sections 34-37-1 through 34-37-10, section 34-37-12 and sections 34-37-14 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Crow, Curry, Davis, Dillard, Escott, Fuller, Hamilton, Hammett, Harper, Headley, Higginbotham, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McMillan, Mikell, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, White (G), White (L) and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 694. To authorize the governing body of the City of Decatur, in Morgan County, Alabama, to establish a Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within the City of Decatur, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto, and to provide for appeals and other judicial processes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Marks, the House concurred in and adopted the Senate amendment to the bill, H. 694, said Senate amendment being as follows:

On page 12, on line 25, after the words "review board." insert the following:

Any commission or board created as a result of the provisions of this act shall have no jurisdiction or power concerning houses of worship and the properties owned on the effective date of this act by said houses of worship.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Clark (W), Clay, Crow, Curry,

Davis, Dillard, Escott, Grouby, Hamilton, Hammett, Headley, Higginbotham, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marks, Mathis, McClain, McMillan, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis and Wright.

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REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Carter, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 62. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON HEALTH INSURANCE FOR STATE EMPLOYEES AND TEACHERS.

On motion of Rep. Starkey, the resolution, S. J. R. 62, was adopted.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 327, without the Governor's signature and with a suggested Executive Amendment.

Done this 11th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 327, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 327:

Please amend on page 4, line 4, by deleting the dollar figure "\$150.00" and inserting in lieu thereof the dollar figure "\$75.00".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 11th day of April, 1989.

Respectfully,
GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Buskey (JL), the House concurred in and adopted the amendment proposed by his Excellency, the Governor, to the bill, H. 327, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Campbell, Carothers, Clark (W), Crow, Curry, Davis, Dillard, Freeman, Grouby, Hall, Hammett, Headley, Holley, Johnson (RW), Kennedy, Knight, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Richardson, Rogers, Sanderford, Thomas, Venable, White (G), Williams, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Curry, Davis, Dillard, Escott, Grouby, Hammett, Headley, Higginbotham, Holley, Holmes, Johnson (RW), Kennedy, Knight, Laird, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Richardson, Rogers, Sanderford, Spratt, Thomas, Venable, Walker, White (G), Williams, Willis and Zoghby.

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MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 217, without the Governor's signature and with a suggested Executive Amendment.

Done this 6th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 217, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 217:

Please amend House Bill No. 217 on page 1, Section 1. after the figure "\$500,000).", by striking the words ~~Said monies to be equitably distributed solely as reimbursement for certified or licensed services to provide early intervention programs to children with cerebral palsy or related motor disabilities.~~

The adoption of the above suggested Executive Amendment will remove my objections to this bill:

Done on this the 6th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 217, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Campbell, Carothers, Clark (W), Clay, Crow, Curry,

Davis, Dillard, Escott, Grouby, Hammett, Harper, Headley, Higginbotham, Hill, Holley, Johnson (RW), Kennedy, Knight, Laird, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rogers, Sanderford, Spratt, Starkey, Thomas, Turnham, Venable, Walker, White (G), Williams, Willis and Zoghby.

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And the bill:

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Crow, Curry, Davis, Dillard, Escott, Goodwin, Grouby, Hammett, Harper, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RW), Kennedy, Knight, Laird, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, White (G), Williams, Willis and Zoghby.

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INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Slaughter:

H. 1036. To amend Article one, Chapter six of Title eight of the Code of Alabama (1975) as amended so as to revise the "Securities Act of Alabama". This bill will become effective January 1, 1990.

Committee on Judiciary.

By Rep. Lindsey (With Notice and Proof):

H. 1037. Relating to Cherokee County; approving and authorizing the Cherokee County Commission to levy a certain increase in the ad valorem tax presently being levied in accordance with Amendment No. 373 to the Constitution of Alabama of 1901; providing that such increased countywide ad valorem tax shall be levied and collected by Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first

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submitted to the vote of the qualified electors of Cherokee County at a special election called and held in accordance with the laws governing special elections.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1037, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Lindsey (With Notice and Proof):

H. 1038. To promote the maintenance of Cherokee County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Cherokee County Health Department to enforce littering laws in Cherokee County; and to prescribe fines for violations.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1038, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Butler (With Notice and Proof):

H. 1039. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1039, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Davis:

H. 1040. To amend Section 37-1-80, Code of Alabama 1975, relating to utility rates established by the public service commission, so as to provide further for rates charged by utilities purchasing foreign or out-of-state coal.

Committee on Public Utilities and Transportation.

By Reps. White (G), Petelos, Starkey, McClain, and Slaughter:

H. 1041. To amend Section 40-17-31 Code of Alabama 1975, which levies certain ad valorem taxes and motor fuel taxes in this state, so as to increase certain aircraft fuel tax level from \$600,000 to \$1,000,000.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 1042. To make a supplemental appropriation to the Marine Environmental Sciences Consortium for operations and maintenance for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 1043. To make a supplemental appropriation to the Marine Environmental Sciences Consortium for capital outlay for the fiscal year ending September 30, 1990.

Committee on Ways and Means.

By Rep. Blakeney (With Notice and Proof):

H. 1044. Relating to Marengo County; providing for a certain expense allowance and a certain mileage allowance for the coroner and specifically repealing Act No. 79-522, H. 397, approved July 30, 1979 (Acts 1979, p. 934), Act No. 81-71, H. 86, approved February 26, 1981 (Acts 1981, p. 94), and Act No. 85-895, H. 82, approved September 19, 1985 (Acts 1985, Second Special Session, p. 154).

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1044, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bugg:

H. 1045. To provide for certain non-voting ex officio positions on the boards of trustees of the several four-year state colleges and universities; to prescribe the manner by which such ex officio positions shall be filled and the terms of such positions and to provide that such ex officios shall receive certain mileage and per diem on meeting days.

Committee on Education.

By Reps. Bugg, Newton (D), Starkey, Hamilton, Mathis, Melton, Blakeney, and Richardson:

H. 1046. To further provide for the definition of public utilities and to amend Section 37-4-1, Code of Alabama 1975, as amended, so as to include the operation of antenna television including "cable television antenna facilities" for public use.

Committee on Public Utilities and Transportation.

By Rep. Burke:

H. 1047. To amend Sections 34-22-20 and 34-22-22, Code of Alabama 1975, relating to the practice of Optometry, so as to increase the application and renewal fees for licenses.

Committee on State Administration.

By Rep. Johnson (RW):

H. 1048. To express the intent of the legislature concerning House Bill 775 of the 1989 Regular Session or Senate Bill 508 of the 1989 Regular Session of the Alabama legislature relating to the creation of county industrial development authorities. It provides that any bonds issued pursuant to any act which either of said bills become shall be subject to the pre-issuance

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provisions of Sections 8-6-110 through 8-6-122 of the Code of Alabama 1975, so as to protect the integrity of the county industrial authorities.

Committee on Ways and Means.

By Rep. Harvey (With Notice and Proof):

H. 1049. Relating to Blount County; amending Act No. 79-712, H. 782, 1979 Regular Session, providing for an expense allowance for members of the county board of education, so as to provide further for said expense allowance.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1049, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Knight and Hill (With Notice and Proof):

H. 1050. Relating to Shelby County; approving an increase of the three mill countywide ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by seven mills to ten mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional seven mill tax to be levied and collected by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1989, to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Shelby County at a special election called and held in accordance with the laws governing special elections.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1050, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gray, Dillard, Petelos, Butler, Carter, Cosby, Turnham, Hamilton, Layson, Starkey, Colvin, Clark (J), Gaston, Burke, Zoghby, White (F), Beers, Harvey, Payne, Wright, Newton (D), Spratt, Bugg, Newman, Johnson (RG), Newton (C), Mathis, Box, Campbell, Poole, Blake, Hammett, Higginbotham, Harper, White (L), Haynes, Ford, Rains, Headley, Curry, Slaughter, Logan, Marks, Freeman, Sanderford, Brooks, Moon, Goodwin, McKee, Walker, Hogan, Frazier, Willis, Crow, and Carothers:

H. 1051. To require the Department of Public Safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to delete the names of said persons from voter registration lists; and to provide for certain exemptions for persons in the armed forces.

Committee on State Administration.

By Reps. Gray, Dillard, Petelos, Butler, Carter, Cosby, Turnham, Hamilton, Layson, Starkey, Colvin, Clark (J), Gaston, Burke, Zoghby, White (F), Beers, Harvey, Payne, Wright, Newton (D), Spratt, Bugg, Newman, Frazier, Willis, Crow, Carothers, Johnson (RG), Newton (C), Mathis, Campbell, Box, Poole, Blake, Hammett, Higginbotham, White (L), Haynes, Ford, Rains, Headley, Curry, Slaughter, Logan, Marks, Freeman, Sanderford, Brooks, Moon, Goodwin, McKee, Walker, Hogan, and Harper:

H. 1052. To provide that the bureau of vital statistics shall furnish to the boards of registrars a list of previously deceased persons.

Committee on State Administration.

RESOLUTION

The following resolution was introduced:

By Rep. Turnham:

H. J. R. 379. COMMENDING SKIP HINTON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, Skip Hinton began his distinguished career in public television in Tuscaloosa at University Television Services as a producer-director in 1967; and

WHEREAS, he became director of the Montgomery Public Television Center from 1970 to 1977; and

WHEREAS, he was director of University Television Services at the University of Alabama from 1977 to 1982; and

WHEREAS, he became general manager of Alabama Public Television in 1982 and was instrumental in the replacement of the entire microwave system of the network, as well as the replacement of some 30-year-old transmission equipment, using federal grant funds matched by state funds appropriated by the Alabama Legislature; and

WHEREAS, he provided leadership under the direction of the Alabama Educational Television Commission which brought to Alabama national attention, not only for having the nation's first educational network, but also for having one of the most efficiently operated networks in the country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Skip Hinton for his 22 years of outstanding service to educational television in Alabama, and do further wish him well in his new position as President of the Southern Educational Communications Association in Columbia, South Carolina.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Hinton, whom we treasure as a friend and hold in warmest personal regard.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 379, was adopted.

MOTION TO RECESS ADOPTED

The motion offered by Rep. Turnham to recess from 12:00 o'clock noon until 1:30 p.m. was adopted.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (G):

H. R. 380. COMMENDING SANDRA VELLA, COMMUNITY EDUCATION COORDINATOR, HOMEWOOD CITY SCHOOLS, FOR THE ESTABLISHMENT OF A MODEL EXTENDED-DAY PROGRAM FOR CHILDREN.

Also:

The following resolutions were introduced:

By Reps. Brooks and Sanderford:

H. J. R. 381. COMMENDING THE GRISSOM HIGH SCHOOL LADY TIGERS VOLLEYBALL TEAM FOR ITS EXCELLENT SEASON AND STATE CHAMPIONSHIP TITLE.

WHEREAS, the Grissom High School Lady Tigers Volleyball Team posted a phenomenal 56-4 final record (and perfect 8-0 against Butler, Johnson, Lee and Huntsville High Schools), which is the best won-loss record best in the history of Grissom High School; and

WHEREAS, the Grissom Lady Tigers won the Huntsville City Championship, the Area 14 Tournament by defeating Bradshaw, Austin and Johnson High Schools, the Sub-State 4 Tournament by defeating West End High School, and the Class 6A State Tournament by coming from behind after losing to Thompson High School to defeat Satsuma, Thompson and Vigor High Schools, thus making them the Alabama State Champions in Class 6A for 1988; and

WHEREAS, the Grissom Lady Tigers gained individual state-wide awards for its team, to-wit: Andrea Fountain was named to the All-State Team and was the State Tournament's Most Valuable Player and Jeannie Nadolski was also named to the All-State Team; and

WHEREAS, the Grissom Lady Tigers were inspired, in part, to achieve such excellence by a poem composed by Kami Driver, to-wit:

State Bound

The time has come, we're on our way,
But, let's just take it day by day.
Point by point, out to attack,
The time has come, no turning back.
It's for real this time, it's finally here.
Just a heartbeat away, with nothing to fear.
It's time to get serious, really reach for our goal.
We've got to want it with all our soul.
We've got to dig down deep, it might be our last chance.
Soon it will all be merely a glance.
We've got what it takes, to come out on top.
Don't settle for less, don't ever stop!
It's state tournament; it's all a test,
To see if we're really better than the rest.

Let's go for it all; let's reach for the sky.

Let's show 'em the pride of our "Tiger Eye"!

As we step on the court, to begin the race,

Catch the "Killer Instinct" for all we face!

We've worked so hard, our goal's been set,

Let's show 'em the Tigers are their biggest threat!

So don't be nervous, we've got what it takes,

Just give it your all, that's what a winner makes!

Let's not settle for third place again;

Cuz "a winner never quits, and a quitter never wins"!!!

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That we hereby most highly commend Head Coach Gloria Birmingham, Assistant Coach Joy Drummond, Managers Megan Powell and Leigh Ann Watson, and the players of the 1988 Grissom High Lady Tigers Volleyball Team, to-wit: Kami Driver, Vicki Eastin, Andrea Fountain, Lisa Gamble, Shelly Heaney, Jennifer Mullinix, Kim Mullinix, Jeannie Nadolski, Jennifer Nicholson, Elise Presley, Leah Williams, and Missy Yanosky, and direct that copies of this resolution be forwarded to each of the above-named individuals and to Grissom High School for appropriate presentation and display.

On motion of Rep. Brooks, the rules were suspended and the resolution, H. J. R. 381, was adopted.

Also:

By Rep. White (G):

H. J. R. 382. COMMENDING SANDRA VELLA, COMMUNITY EDUCATION COORDINATOR, HOMEWOOD CITY SCHOOLS, FOR THE ESTABLISHMENT OF A MODEL EXTENDED-DAY PROGRAM FOR CHILDREN.

WHEREAS, across Alabama and the Nation more and more schools are developing after-school programs for latchkey children; and

WHEREAS, Ms. Sandra Vella, Community Education Coordinator, developed the first extended-day program in the Homewood City Schools in 1985, at Hall Kent Elementary School under Principal Gene Burgess; and

WHEREAS, this program has continued to grow, until today two hundred fifty (250) of the total school population of four hundred twelve (412) children are enrolled in the extended-day program and parents and children alike are very enthusiastic about the extended-day program; and

WHEREAS, this program serves as a model extended-day program for the Alabama Department of Education, Community Education Section; and

WHEREAS, to date over eighty-seven (87) educators from thirty (30) systems across Alabama have visited and observed the program; and

WHEREAS, the U.S. Department of Education's regional representative, in visiting the program in March, 1989, commented that it was one of the most exemplary programs he had ever seen, and said that he would recommend Homewood's Program to other schools in the southeastern region; and

WHEREAS, Ms. Vella is constantly striving to improve the quality of the program through staff development training, enrichment activities, innovative coping strategies for children; and

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WHEREAS, Ms. Vella is involved in the establishment of a summer program for latchkey children, and has assisted the two other elementary schools and the middle school in Homewood to establish extended-day programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express sincere appreciation and deepest gratitude to Ms. Sandra Vella for her exceptional work on behalf of children.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Ms. Vella, to the Homewood Board of Education, to Hall Kent Elementary School, and to the State Superintendent of Education.

On motion of Rep. White (G), the rules were suspended and the resolution, H. J. R. 382, was adopted.

Also:

By Reps. Williams and Holley:

H. J. R. 383. MOURNING THE DEATH OF ROBERT M. PAUL OF ENTERPRISE, ALABAMA.

WHEREAS, with a deep sense of sadness and regret, the Alabama Legislature records the death of Robert M. Paul of Enterprise, Alabama on May 24, 1988, at the age of 67 years; and

WHEREAS, Mr. Paul held an undergraduate degree from Troy State University and a graduate degree from the University of Alabama; and

WHEREAS, Mr. Paul dedicated his life to educating and equipping the citizens of southeast Alabama with the knowledge and skills necessary to compete and become successful in life; and

WHEREAS, Mr. Paul joined the Troy State University System in 1961 and served the system with distinction as both an instructor and an administrator; and

WHEREAS, Mr. Paul was named the first president of the separately accredited Troy State University at Dothan campus; and

WHEREAS, Mr. Paul, indeed experienced a long and distinguished career in public education in the State of Alabama; and

WHEREAS, in the death of Robert M. Paul, southeast Alabama has indeed suffered the loss of a great leader and educator and a fine gentleman and friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Robert M. Paul of Enterprise, Alabama, and extend our deepest sympathy to his wife, Mrs. Bobbie Paul; to his children, Betsy, Robert Jr., Joseph, and Lee; to other family members; and to Troy State University at Dothan, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 383, was adopted.

Also:

By Rep. Williams:

H. J. R. 384. CONGRATULATING SUE FARNSWORTH, OZARK, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Sue Farnsworth, a resident of Ozark, Alabama, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Sue Farnsworth, a member of Saint John's Church, has been active in her parish; she serves on the boards of the Dothan deanery and the Archdiocesan Council of Catholic Women, and has served as president of each, and has served also in other civic and charitable organizations, and her life has been faith filled in service to others for the betterment of her church and community; and

WHEREAS, Sue Farnsworth has so unselfishly given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an inspiration for others to reach out to the needs of others and her life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Sue Farnsworth, Ozark, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Sue Farnsworth, Ozark, Alabama, so that she may know of our high esteem and deep appreciation.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 384, was adopted.

Also:

By Rep. Moon:

H. J. R. 385. COMMENDING LILLIS IRWIN FOR DISTINGUISHED SERVICE TO THE ALABAMA PUBLIC SCHOOLS.

WHEREAS, a native of Pisgah, Alabama, Lillis Irwin attended Snead State Junior College and received both the B.S. and Master's degrees from Florence State University; and

WHEREAS, Mrs. Irwin, who is a former teacher at DAR High School, Central High School in Florence and in the Huntsville City Schools, has been at Claysville High School in Marshall County for the past 22 years; and

WHEREAS, one of our state's most outstanding educators, Mrs. Irwin, upon retirement at the close of the 1988-1989 school year, will have completed a distinguished professional tenure of 28 years in the field of education; and

WHEREAS, Mrs. Irwin, in addition to her professional duties and responsibilities, also has assumed a position of leadership and service within

the community, and is a faithful and active member of the First Baptist Church of Grant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, we hereby commend Lillis Irwin, whom we hold in highest regard, and for whom a copy of this resolution shall be provided that she may know of our sincere best wishes for every happiness and success in retirement.

On motion of Rep. Moon, the rules were suspended and the resolution, H. J. R. 385, was adopted.

Also:

By Reps. Kennedy, Buskey (JE), Clark (W), and Zoghby:

H. J. R. 386. MOURNING THE DEATH OF EUGENE BURNIE COOKE OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Eugene Burnie Cooke of Mobile, Alabama, and for whom eulogistical services are being held March 2, 1989; and

WHEREAS, a native of Pine Hill, Alabama, Mr. Cooke was a graduate of Arlington Academy, Annemanie, Alabama; earned the Associate degree from Bishop State College; and was awarded the B.S. degree from Alabama State University; and

WHEREAS, Mr. Cooke was a prominent Mobile businessman who, for some thirty years, was owner and operator of the Royal Living Room, a very popular nightclub that was widely known throughout the Mobile area; and

WHEREAS, he also was prominent in civic and community leadership as a member and through activities of Kappa Alpha Psi and the Elks Lodge, and was a member of the Board of Trustees of Lilly Baptist Church in Mobile; and

WHEREAS, Eugene Burnie Cooke was indeed a beloved member of the community and his loss is the source of consuming grief to his beloved family and countless friends, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Eugene Burnie Cooke of Mobile, Alabama, and extend our very deepest sympathy to his widow, Thelma B. Cooke; his children Carolyn Cooke Rhodes and Eugene Burnie Cooke, Jr.; to his grandchildren, Calvin Anthony Cooke, Robert Anthony Rhodes, Jr., and Daniel Christopher Cooke; and to his many relatives and friends, for whom a copy of this resolution shall be provided that they all may know of our shared sorrow in their great and inconsolable loss.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 386, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Petelos and Curry:

H. R. 387. COMMENDING OFFICER JEFFERY HOPE OF THE HUEYTOWN POLICE DEPARTMENT.

Also:

By Rep. Petelos:

H. R. 388. CONGRATULATING MR. AND MRS. J. T. WILLIAMS ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. McMillan and Penry:

H. J. R. 389. COMMENDING TREY DICKSON OF BAY MINETTE, ALABAMA.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Trey Dickson on his selection as a member of Delta Belles and Beaux, a group established by the Bay Minette Chamber of Commerce to serve as "ambassadors" for Bay Minette and its Chamber for 1988-1989; and

WHEREAS, along with fellow Belles and Beaux April Harvill, Amy Johns, Holmes Hendrickson, Donna Murph, Robert Scott Lewis, Toni James and Etchridge Means, Trey was selected on the basis of his academic record, civic participation, ability to meet the public and school faculty recommendation; and

WHEREAS, Trey is the 1988-89 president of the Key Club at Baldwin County High School where he also is a member of the National Honor Society and is a three-year letterman in football; he is a member of the First Baptist Church and was first Runner-up in the EMC Essay Contest, among other achievements and involvement; and

WHEREAS, Trey Dickson is indeed an outstanding young man whose accomplishments and community service are to be noted with praise, as is his selection by the Bay Minette Chamber of Commerce to serve as a member of the prestigious Delta Belles and Beaux; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend Delta Beau Trey Dickson of Bay Minette, Alabama, to whom a copy of this resolution shall be presented.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 389, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 390. COMMENDING ETCHRIDGE MEANS OF BAY MINETTE, ALABAMA.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Etchridge Means on his selection as a member of Delta Belles and Beaux, a group established by the Bay Minette Chamber of Commerce to serve as "ambassadors" for Bay Minette and its Chamber for 1988-1989; and

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WHEREAS, along with fellow Belles and Beaux April Harville, Trey Dickson, Amy Johns, Holmes Hendrickson, Donna Murph, Robert Scott Lewis, and Toni James, Etchridge was selected on the basis of his academic record, civic participation, ability to meet the public and school faculty recommendation; and

WHEREAS, Etchridge, who is a member of McGee Memorial Temple, president of Youth Fellowship and an eight-year choir member, has been ranked among the top 20% of students nationwide by the University of Alabama; he is Salutatorian for the Class of 1989 at Baldwin County High School where he also is a member of the National Honor Society, Scholars Bowl Team, BCHS Band, 1989-90 Drum Major, secretary of the Key Club and is a three-year Academic All-American, among other achievements and involvement; and

WHEREAS, Etchridge Means is indeed an outstanding young man whose accomplishments and community service are to be noted with praise, as is his selection by the Bay Minette Chamber of Commerce to serve as a member of the prestigious Delta Belles and Beaux; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend Delta Beau Etchridge Means of Bay Minette, Alabama, to whom a copy of this resolution shall be presented.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 390, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 391. COMMENDING TONI JAMES OF BAY MINETTE, ALABAMA.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Toni James on her selection as a member of Delta Belles and Beaux, a group established by the Bay Minette Chamber of Commerce to serve as "ambassadors" for Bay Minette and its Chamber for 1988-1989; and

WHEREAS, along with fellow Belles and Beaux April Harvill, Trey Dickson, Amy Johns, Holmes Hendrickson, Donna Murph, Robert Scott Lewis, and Etchridge Means, Toni was selected on the basis of her academic record, civic participation, ability to meet the public and school faculty recommendation; and

WHEREAS, Toni, who was Sophomore and Junior Maid at Baldwin County High School, also is a Band member, third-year Tigerette, 1988-89 Homecoming Queen, a member of the Spanish Club and Oral Communications, and serves on the Gayfers Teen Board, among other achievements and involvement; and

WHEREAS, Toni James is indeed an outstanding young lady whose accomplishments and community service are to be noted with praise, as is her selection by the Bay Minette Chamber of Commerce to serve as a member of the prestigious Delta Belles and Beaux; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding

achievement and service, we hereby most highly commend Delta Belle Toni James of Bay Minette, Alabama, to whom a copy of this resolution shall be presented.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 391, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 392. COMMENDING ROBERT SCOTT LEWIS OF BAY MINETTE, ALABAMA.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Robert Scott Lewis on his selection as a member of Delta Belles and Beaux, a group established by the Bay Minette Chamber of Commerce to serve as "ambassadors" for Bay Minette and its Chamber for 1988-1989; and

WHEREAS, along with fellow Belles and Beaux April Harvill, Trey Dickson, Amy Johns, Holmes Hendrickson, Donna Murph, Toni James and Etchridge Means, Scott was selected on the basis of his academic record, civic participation, ability to meet the public and school faculty recommendation; and

WHEREAS, Scott, who is a member of the First Baptist Church, is vice president of both the National Honor Society and the Key Club at Baldwin County High School where he also is a member of the Annual Staff, the Soccer and Track Teams, and SGA; he is ranked in the Top 20 in his class, serves on the Scholars Bowl Team, is a Computer Lab Assistant and the recipient of a full four-year Army ROTC scholarship, among other achievements and involvement; and

WHEREAS, Scott Lewis is indeed an outstanding young man whose accomplishments and community service are to be noted with praise, as is his selection by the Bay Minette Chamber of Commerce to serve as a member of the prestigious Delta Belles and Beaux; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend Delta Beau Robert Scott Lewis of Bay Minette, Alabama, to whom a copy of this resolution shall be presented.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 392, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 393. COMMENDING DONNA MURPH OF BAY MINETTE, ALABAMA.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Donna Murph on her selection as a member of Delta Belles and Beaux, a group established by the Bay Minette Chamber of Commerce to serve as "ambassadors" for Bay Minette and its Chamber for 1988-1989; and

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WHEREAS, along with fellow Belles and Beaux April Harvill, Trey Dickson, Amy Johns, Holmes Hendrickson, Robert Scott Lewis, Toni James and Etchridge Means, Donna was selected on the basis of her academic record, civic participation, ability to meet the public and school faculty recommendation; and

WHEREAS, Donna, who is treasurer of the National Honor Society at Baldwin County High School, also is a member of the Fellowship of Christian Athletes, Key Club Favorite, Spanish Club Reporter, Computer Lab Assistant and serves on the 1988-89 Annual Staff; she further is a member of New Life Baptist Church, among other involvement and achievements; and

WHEREAS, Donna Murph is indeed an outstanding young lady whose accomplishments and community service are to be noted with praise, as is her selection by the Bay Minette Chamber of Commerce to serve as a member of the prestigious Delta Belles and Beaux; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend Delta Belle Donna Murph of Bay Minette, Alabama, to whom a copy of this resolution shall be presented.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 393, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 394. COMMENDING HOLMES HENDRICKSON OF BAY MINETTE, ALABAMA.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Holmes Hendrickson on his selection as a member of Delta Belles and Beaux, a group established by the Bay Minette Chamber of Commerce to serve as "ambassadors" for Bay Minette and its Chamber for 1988-1989; and

WHEREAS, along with fellow Belles and Beaux April Harvill, Trey Dickson, Amy Johns, Donna Murph, Robert Scott Lewis, Toni James and Etchridge Means, Holmes was selected on the basis of his academic record, civic participation, ability to meet the public and school faculty recommendation; and

WHEREAS, Holmes, who has lettered in four sports at Baldwin County High School, was named to the All-Tournament and All-County Basketball Teams, to the All-County and All-Region Football Teams, is a candidate for the Bryant-Jordan Achievement Scholarships for Athletes and is graduating fourth in his class of 300 students; and

WHEREAS, he also is a member of the Key Club, president of both the National Honor Society and his Senior Class, and is a member of the First United Methodist Church and president of the Youth Group, among other achievements and involvement; and

WHEREAS, Holmes Hendrickson is indeed an outstanding young man whose accomplishments and community service are to be noted with praise, as is his selection by the Bay Minette Chamber of Commerce to serve as a member of the prestigious Delta Belles and Beaux; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend Delta Beau Holmes Hendrickson of Bay Minette, Alabama, to whom a copy of this resolution shall be presented.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 394, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 395. COMMENDING AMY JOHNS OF BAY MINETTE, ALABAMA.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Amy Johns on her selection as a member of Delta Belles and Beaux, a group established by the Bay Minette Chamber of Commerce to serve as "ambassadors" for Bay Minette and its Chamber for 1988-1989; and

WHEREAS, along with fellow Belles and Beaux April Harvill, Trey Dickson, Holmes Hendrickson, Donna Murph, Robert Scott Lewis, Toni James and Etchridge Means, Amy was selected on the basis of her academic record, civic participation, ability to meet the public and school faculty recommendation; and

WHEREAS, Amy, who was Freshman Band Council Representative at Baldwin County High School, also was a band member as a freshman and sophomore, and is a Tigerette, Computer Lab Assistant, National Honor Society Secretary and a Key Club Favorite; she was the Hugh O'Brian Leadership Essay Winner, was recognized in most Outstanding High School Students of America, and is ranked in the top 20% of her graduating class, among other achievements and involvement; and

WHEREAS, Amy Johns is indeed an outstanding young lady whose accomplishments and community service are to be noted with praise, as is her selection by the Bay Minette Chamber of Commerce to serve as a member of the prestigious Delta Belles and Beaux; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend Delta Belle Amy Johns of Bay Minette, Alabama, to whom a copy of this resolution shall be presented.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 395, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 396. COMMENDING APRIL HARVILL OF BAY MINETTE, ALABAMA.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends April Harvill on her selection as a member of Delta Belles and Beaux, a group established by the Bay Minette Chamber of Commerce to

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serve as "ambassadors" for Bay Minette and its Chamber for 1988-1989; and

WHEREAS, along with fellow Belles and Beaux Trey Dickson, Amy Johns, Holmes Hendrickson, Donna Murph, Robert Scott Lewis, Toni James and Etchridge Means, April was selected on the basis of her academic record, civic participation, ability to meet the public and school faculty recommendation; and

WHEREAS, April, this year's only returning member of Belles and Beaux, is a member of the Youth Choir at First Baptist Church where she also assists with Children's Church and Bible School; she sings with the Swing Choir at Baldwin County High School, is a Student Government Representative, a Tigerette, and was "Miss Balcoala" for 1988, among other achievements and involvement; and

WHEREAS, April Harvill is indeed an outstanding young lady whose accomplishments and community service are to be noted with praise, as is her selection by the Bay Minette Chamber of Commerce to serve as a member of the prestigious Delta Belles and Beaux; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend Delta Belle April Harvill of Bay Minette, Alabama, to whom a copy of this resolution shall be presented.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 396, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Thomas, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. R. 397. RECOGNIZING AND COMMENDING WYATT SHORTER, AND MACMILLAN BLOEDEL FOR SUPPORT OF COMMUNITY PROGRAMS IN WILCOX COUNTY.

RECESS

On motion previously offered by Rep. Turnham, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolution was introduced:

By Rep. Payne:

H. J. R. 398. CONGRATULATING THE ERWIN HIGH SCHOOL BASKETBALL TEAM ON THEIR ACCOMPLISHMENT OF THE 1988-1989 SEASON.

WHEREAS, the Legislature of Alabama most heartily congratulates the 1988-1989 Erwin High School Basketball Team on their many accomplishments of the season, and on the 5A Area 10 Championship which followed their 6A Area 10 Title in 1987-1988; and

WHEREAS, although losing their opening games to Hueytown, Erwin High then won five straight games, over Mt. Brook, Fultondale, Vestavia and arch rivals Hewitt and Pinson, before losing their last three games in 1988; and

WHEREAS, after playing off and on through the month of January, an Erwin victory over Arab in early February was followed by a loss to Gardendale; under Coaches Hal Riddle, Bill Scruggs and Wayne Woodman, however, a fired-up Erwin team, in an electrifying turn-around, finished with five wins in a row before losing to Gadsden in the Sub-State Finals; and

WHEREAS, Erwin's February wins, in addition to 6A Sub-State Finalist Arab, included 4A Sub-State Finalist Fultondale; in the Area 10 Tournament, Erwin High School beat Pinson and Leeds in the Finals to win the 5A Area 10 Title and, in round one of Sub-State, beat John Carroll in overtime before losing to Gadsden to end the season; and

WHEREAS, the Erwin High School Basketball Team, members, each of whom greatly contributed to Erwin's overall 15-14 season record and the Area Championship, are MVP Sebastian Dickens, Marty Smith, Brent Justice and David Padgett who were named to the Area Tournament Team, and their talented teammates Chris Leathers, Cam Self, Chris Elmore, Kirk Abernathy, Robbie Huber, Keith Blanton and Jon Southworth, with Max Bender as manager; and

WHEREAS, sponsor Jeanette Mizerany's Erwin High School Cheerleaders are Molly Myers, Karen Sykes, Missy Smith, Jennifer Wilson, Jessica Wilson, Stacey Carrigan, Jennifer Wilder, Brandi Gibbs, Krista Thompson, Paige Hope, Nikki Windham, Lori Robinson, Beth Sanders, Kristi Glasscox and Jeanie Plott; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their outstanding accomplishments of the 1988-1989 season, we hereby congratulate and commend the Erwin High School Basketball Team, and their Head Coach Hal Riddle and direct that two copies of this resolution be provided for appropriate presentation and school display.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 398, was adopted.

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Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Melton:

H. R. 399. COMMENDING DR. MYRTLE EDWARDS GRAY.

Also:

By Rep. Layson:

H. R. 400. COMMENDING AND RECOGNIZING EBENEZER BAPTIST CHURCH AND ITS CONTRIBUTIONS TO THE COMMUNITY.

Also:

The following resolutions were introduced:

By Reps. Layson, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. J. R. 401. NAMING A PORTION OF STATE HIGHWAY 86 IN HONOR AND IN HUMBLE TRIBUTE TO CHARLES W. DAVIS.

WHEREAS, a distinguished American patriot and a native of Gordo in Pickens County, Alabama, Charles W. Davis is the first World War II recipient, from the State of Alabama, of the Medal of Honor; and

WHEREAS, Charles W. Davis, was cited "For distinguishing himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty in action with the enemy on Guadalcanal Island.", both on January 12 and January 13, 1943; and

WHEREAS, the Medal of Honor, the United States' first decoration, was approved by Congress in 1861 during the Civil War; it remained the sole U.S. decoration until World War I and, in 1918, was restricted to those only who displayed the most extraordinary acts of heroism; and

WHEREAS, this decoration, also often called the Congressional Medal of Honor, is our nation's highest military award, and it is therefore that we recognize and acknowledge the consummate courage of Charles W. Davis; and

WHEREAS, it is the desire of this body that, Charles W. Davis, his valor and great deeds be honored in perpetuity, and that said tribute be executed in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of Alabama Highway 86 in Pickens County, from its point of intersection with U.S. Highway 82 at Gordo, Alabama, to the corporate limits of Carrollton, Alabama, is hereby named and designated, and shall henceforth and forever be known as the "Charles W. Davis Highway."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Charles W. Davis Highway."

RESOLVED FURTHER, That a copy of this resolution be prepared for presentation to Charles W. Davis, a beloved native son of Pickens County, Alabama, in whom we are justly proud.

On motion of Rep. Layson, the rules were suspended and the resolution, H. J. R. 401, was adopted.

Also:

By Reps. Burke, Butler, Lindsey and Rains:

H. J. R. 402. COMMENDING "ALABAMA."

WHEREAS, it is with great personal pride that the Alabama Legislature congratulates the group "Alabama" of Fort Payne, Alabama, as the recipient of the Artist of the Decade Award for the eighties; and

WHEREAS, internationally renowned as a group, Randy Owen, Mark Herndon, Teddy Gentry and Jeff Cook serve as our ambassadors throughout the nation and the world, and this most recent award brings further fame and honor to the State of Alabama; and

WHEREAS, during the eighties, "Alabama" has produced 21 Number One records in a row, including the Honorary State Song, "My Home's in Alabama," and has received two Grammys, seven Country Music Association Awards, two American Music Awards and 14 Academy of Country Music Awards; and

WHEREAS, "Alabama" now is a member of an elite trio which includes country music's Marty Robbins and Loretta Lynn, Artist of the Decade recipients for the sixties and seventies, respectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, and in gratitude for the enjoyment and pleasure of their gift of music to the world, we hereby most highly commend our own "Alabama," of whom we are justly proud and for whom copies of this resolution shall be provided.

On motion of Rep. Burke, the rules were suspended and the resolution, H. J. R. 402, was adopted.

Also:

By Rep. Burke:

H. J. R. 403. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. Harold McGee, President of Jacksonville State University, exercise reasonable disciplinary action on Matt Brooks for statements made in the March 23, 1989,

edition of the student newspaper The Chanticleer, and that action be a suspension or relief of duties from the newspaper.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. McGee.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Burke offered the motion to suspend the rules and adopt the resolution, H. J. R. 403.

DIVISION OF QUESTION

Rep. Campbell called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND THE RULES LOST

The question was then on the motion offered by Rep. Burke to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 403, and the motion was lost.

Yeas 4; Nays 13.

Yeas: Reps. Biddle, Burke, Laird and Lindsey.

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Nays:

Reps. Adams, Campbell, Carothers, Dillard, Higginbotham, Johnson (RG), Johnson (RW), Marks, McDowell, Payne, Rains, Rogers and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 403, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 147. This bill amends Sections 11-51-201, 11-51-203, 40-12-4, 40-23-101, 40-23-102, 40-23-104, 40-23-107 and 40-29-115, Code of Alabama 1975, which relates to the collection of certain sales and use taxes, so as to provide that the county tax collector shall collect municipal gross receipts or sales taxes and county sales taxes on sales made by a person or firm other than a licensed dealer of any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location;

to require the county tax collector to collect the municipal and county use taxes authorized by general or local law for the local taxing jurisdiction in which the purchaser resides or, if a business, the business location, on sales of the aforesaid vehicles made by dealers doing business outside the state of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase; to provide procedures to be used in the collection of said taxes; to provide for the distribution of revenues collected hereunder; to provide for a fee to be paid to the tax collector for such services; and to provide penalties for noncompliance.

TOMMY CARTER,
Chairman.

And the bill, H. 147 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 405. To exempt from all state, county and municipal sales taxes the sale of food pursuant to the food distribution program conducted by Christian Service Mission, Inc., in cooperation with World Share, Inc.

TOMMY CARTER,
Chairman.

And the bill, H. 405 as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Escott:

H. R. 404. COMMENDING FRANSHIDA PAYNE MCDANIEL ON HER NOMINATION AS A CANDIDATE FOR NATIONAL EDUCATION ASSOCIATION DELEGATE.

Also:

By Rep. Escott:

H. R. 405. COMMENDING EMMA THORNTON SHEPARD ON HER NOMINATION AS A CANDIDATE FOR NATIONAL EDUCATION ASSOCIATION DELEGATE.

Also:

By Rep. Hammett:

H. R. 406. MOURNING THE DEATH OF F. MURLAND SMITH OF ANDALUSIA, ALABAMA.

Also:

By Rep. Hammett:

H. R. 407. COMMENDING SAMUEL GLOVER OF ANDALUSIA, ALABAMA, NEWLY APPOINTED MEMBER OF THE CITY BOARD OF EDUCATION.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 596. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Junior College System by \$382,685.50 for the fiscal year ending September 30, 1989.

Also:

H. 597. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Technical College System by \$639,076 for the fiscal year ending September 30, 1989.

Also:

H. 598. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Board of Education—Financial Assistance to Local Boards by \$2,160,937 for the fiscal year ending September 30, 1989.

Also:

H. 599. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation by \$478,238.50 for the fiscal year ending September 30, 1989.

Also:

H. 600. To reduce the appropriation from the Alabama Special Educational Trust Fund to the Alabama Public Library Service by \$1,475,000 for the fiscal year ending September 30, 1989.

Also:

H. 601. To reduce the appropriation from the Alabama Special Educational Trust Fund to the State Council on the Arts by \$500,000 for the fiscal year ending September 30, 1989.

Also:

H. 643. To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1989. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

Also:

H. 644. To make appropriations to certain county governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Also:

H. 645. To make appropriations to certain city governments in the State of Alabama from the State General Fund to be used for general governmental purposes for the fiscal year ending September 30, 1989.

Also:

H. 646. To make an appropriation for the support and maintenance of Flowers Special School for the fiscal year ending September 30, 1989.

Also:

H. 647. To make an appropriation for the support and maintenance of Valley Haven School for the fiscal year ending September 30, 1989.

Also:

H. 656. To make an appropriation from the State General Fund of \$10,000 to Airport Hills Community for the fiscal year ending September 30, 1989.

Also:

H. 657. To make an appropriation from the State General Fund of \$5,000 to Highland Estates Community for the fiscal year ending September 30, 1989.

Also:

H. 659. To make an appropriation from the State General Fund of \$2,500 to the Alabama Watermelon Association for the fiscal year ending September 30, 1989.

Also:

H. 660. To make an appropriation from the State General Fund to be distributed to certain fire departments for the fiscal year ending September 30, 1989.

Also:

H. 663. To make an appropriation from the State General Fund of \$100,000 to Festival Park, Inc. for the fiscal year ending September 30, 1989.

Also:

H. 669. To make an appropriation from the State General Fund to the Shelby County Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 246. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1990.

Also:

H. 281. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1990.

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Also:

H. 642. To amend Act No. 88-953 passed in the 1988 Second Extraordinary Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriations from the State General Fund to the Alabama Development Office, the Alabama Forestry Commission, the Alabama Historical Commission, the Alabama Department of Economic and Community Affairs, the Department of Agriculture and Industries, the Department of Environmental Management, the Highway Department and the Bureau of Tourism and Travel for the fiscal year ending September 30, 1989.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 447. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all obscene material and material which is harmful to minors used, intended to be used, or obtained in violation of the provisions of this act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county

ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

McDOWELL LEE,
Secretary.

JOINT SESSION

Pursuant to the resolution, S. J. R. 98, the Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of hearing an address by The Honorable Ray Mabus, Governor, State of Mississippi.

The joint session was called to order by the Hon. Jim Folsom, Jr., Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Reps. White (L) and Venable:

H. J. R. 408. NAMING A PORTION OF ALABAMA HIGHWAY 63, IN TALLAPOOSA AND ELMORE COUNTIES, "THE CHILDREN'S HIGHWAY."

WHEREAS, "Our Children's Home," a non-profit organization, is in the process of constructing a children's home facility for the purpose of operating and maintaining a home for dependent, neglected or abused children; and

WHEREAS, to be located on property donated by the board of directors of Russell Lands, Inc., and with an initial financial commitment by the family of Adelia McConnell Russell, "Our Children's Home" will be operated by representatives of the Russell Lands board, the Russell Foundation and the community; and

WHEREAS, the "Our Home" facilities, to be located on Lake Martin in East Central Alabama, will initially serve its resident children in group homes and, under the supervision of houseparents, the children will be given security, love, discipline, understanding and support; and

WHEREAS, further, "Our Children's Home" program is designed to insure a balance of work and recreation, including the opportunity for non-denominational worship, and for educational instruction to be provided in the public schools of the Alexander City School System; and

WHEREAS, in commendation and praise of the worthy purpose of "Our Children's Home," it is both fitting and proper that it be appropriately recognized, and that the highway leading to the facility be designated in a manner easily identified with the home; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Alabama Highway 63, beginning at mile marker 26.23 south of Alexander City in Tallapoosa County and continuing south to mile marker 12.56 at the point of intersection with Highway 229 in Elmore County, as "Our Children's Highway," and by which name it shall henceforth and forever be known.

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and markers so designating said highway portion as "Our Children's Highway."

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 408, was adopted.

Also:

By Rep. Laird:

H. J. R. 409. COMMENDING BOBBY D. JONES OF LAFAYETTE, ALABAMA, ON HIS RECENT HONOR AS CITIZEN OF THE YEAR.

WHEREAS, in consensus of highest commendation, the Alabama Legislature congratulates Bobby D. Jones of LaFayette, Alabama, as Citizen of the Year, a prestigious designation of the Greater Valley Area Chamber of Commerce in recognition of his outstanding service to the Chamber and the area it serves; and

WHEREAS, Mr. Jones, General Manager of Tallapoosa River Electric Cooperative and former manager of Member Services, Electric Operations and Assistant Manager with TREC, is a graduate of Auburn University with the bachelor's degree and is a United States Air Force veteran; and

WHEREAS, he further serves on the board of the GVACC; is a faithful member and Bible class teacher at LaFayette Church of Christ; and is a supporter, as well, of a number of other civic and community affairs in the LaFayette and Valley area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Citizen of the Year, Bobby D. Jones of LaFayette, Alabama, for outstanding community service and leadership, and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 409, was adopted.

Also:

By Rep. Harvey:

H. J. R. 410. NAMING THE AUDITORIUM AT J. B. PENNINGTON HIGH SCHOOL IN BLOUNTSVILLE, ALABAMA, IN HONOR OF RUFUS BIRL BRYSON.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the numerous civic and charitable contributions of Mr. Rufus Birl Bryson of Blountsville, Alabama; and

WHEREAS, Mr. Bryson served as the second principal of J. B. Pennington High from 1959 to 1983, contributing generously of his time, talent and means; and

WHEREAS, Birl Bryson has exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS, a recital of his many accomplishments would be incomplete without the inclusion of the many contributions which he has made to the thousands of students whose lives were influenced by his teaching and wise counsel, and who will long remember his many personal kindnesses and quiet understanding; and

WHEREAS, in recognition of Birl Bryson's numerous contributions to the community and his outstanding service during the 24 years of progress for J. B. Pennington High School, it is highly desirable that his name be perpetuated in an appropriate fashion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the auditorium at J. B. Pennington High School in Blountsville, Alabama, as the "Birl Bryson Auditorium."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said auditorium and that copies of this resolution be forwarded to the Board of Education and to Mr. Rufus Birl Bryson.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 410, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 411. MOURNING THE DEATH OF EDWARD L. PRATT OF MILLPORT, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 155. COMMENDING DR. FREDERICK P. WHIDDON FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF SOUTH ALABAMA AND AS MOBILIAN OF THE YEAR.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 412. COMMENDING DON COKER FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

The following resolution was introduced:

By Reps. Mathis, Beasley and Carothers:

H. J. R. 413. MOURNING THE DEATHS OF WALTER OTIS MENDHEIM AND HETTIE M. AMAN, HOUSTON COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature is saddened to learn of the tragic deaths of Walter Otis Mendheim and Hettie M. Aman on March 30, 1989; and

WHEREAS, Walter Otis Mendheim and Hettie M. Aman were brother and sister and lifelong natives of Houston County and contributed immeasurably to the betterment of their respective communities of Dothan and Ashford; and

WHEREAS, Walter Otis Mendheim, age 73, was an environmentalist with the Houston County Health Department for 33 years and also served as the deputy sheriff of Houston County; he was a member of the Southside Baptist Church; and

WHEREAS, Hettie M. Aman, age 88, was the widow of William Benjamin Aman, and was active as a member of the Ashford Senior Citizens and devout member of the First Assembly of God Church in Ashford and faithful member of the adult Bible Sunday School class; she was the mother of six children, eighteen grandchildren and twenty-eight great grandchildren and a devoted family member; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most grievously mourn the deaths of brother and sister, Walter Otis Mendheim and Hettie M. Aman and extend our sincere sympathy to the family members of each.

RESOLVED FURTHER, that copies of this resolution be sent to the respective families of Walter Otis Mendheim and Hettie M. Aman so that they may know of our sense of shared loss.

On motion of Rep. Mathis, the rules were suspended and the resolution, H. J. R. 413, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 694. To authorize the governing body of the City of Decatur, in Morgan County, Alabama, to establish a Historic Preservation Commission

and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within the City of Decatur, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto, and to provide for appeals and other judicial processes.

Also:

H. 721. To amend Act No. 929, 1951, Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended which created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, for benefit increases, and for related matters.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 447. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to provide definitions; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is harmful to minors; to provide for misdemeanor and felony criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of all obscene material and material which

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is harmful to minors used, intended to be used, or obtained in violation of the provisions of this act; to provide for the forfeiture and disposition of moneys, negotiable instruments, and funds used, intended to be used, or obtained in any violation of the provisions of this act; to provide for the forfeiture and disposition of proceeds or receipts derived from property which is subject to forfeiture pursuant to the provisions of this act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed, amended, affected, or limited; to provide that city and county ordinances not in conflict with the provisions of this act shall not be repealed by implication; to exclude certain libraries and employees and agents of such libraries from the criminal penalties of this Act; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 342. COMMENDING THE UNIVERSITY OF MONTEVALLO MEN'S BASKETBALL TEAM ON THEIR OUTSTANDING ACCOMPLISHMENTS OF THE 1988-89 SEASON.

Also:

H. J. R. 343. COMMENDING JOHN MALOY LONG OF TROY STATE UNIVERSITY.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Reps. Ford and Colvin:

H. J. R. 414. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama wishes to recognize the extraordinary efforts of Robin Rea, Commissioner of Labor and Mike Morgan,

Assistant Commissioner of Labor of Montgomery, Alabama, during the recent labor dispute in Gadsden, Alabama; and

WHEREAS, the intense dispute occurred on April 1, 1989, between Gulf States Steel and the United Steelworkers of America with feelings on both sides to the breaking point; and

WHEREAS, through the expertise and professionalism of Commissioner Rea and Assistant Commissioner Morgan, communication resumed between the Union and Gulf States Steel and the tension began to subside; and

WHEREAS, a settlement was reached between the parties, the contract was ratified by the Union membership and labor peace will reign for the next four years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and offer our sincerest appreciation to Commissioner of Labor Robin Rea and Assistant Commissioner of Labor Mike Morgan for their recent efforts related to the labor dispute in Gadsden.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Commissioner Rea and Assistant Commissioner Morgan as a mere token of our high esteem and warmest personal regard.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 414, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Parsons, Bedford, Amari, Windom, Bedsole, Bennett, and deGraffenried:

S. J. R. 165. HONORING HIS EMINENCE ARCHBISHOP IAKOVOS, PRIMATE OF THE GREEK ORTHODOX CHURCH OF NORTH AND SOUTH AMERICA.

Also:

By Senator Preuitt:

S. J. R. 167. MOURNING THE DEATH OF JACK SEALS OF TALLADEGA, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Petelos, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 165, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (RG), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 167, the title of which is set out in the above and foregoing Message from the Senate.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 474. To amend Sections 40-2-12, 40-2-13 and 40-12-14 of the Code of Alabama 1975, so as to allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the House concurred in and adopted the Senate amendment to the bill, H. 474, said Senate amendment being as follows:

Amend House Bill No. 474 Page 2 Line 1 as follows: delete the words "electronic reproduction" and insert in lieu thereof the words "electronically recorded data"

In the title on page 1, line 17 delete the code section 40-12-14 and insert in lieu thereof "40-2-14"

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Bryant, Bugg, Buskey (JL), Butler, Carothers, Carter, Clay, Colvin, Crow, Curry, Davis, Dillard, Escott, Ford, Fuller, Gaston, Hammett, Harvey, Haynes, Headley, Hill, Hogan, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 546, without the Governor's signature and with a suggested Executive Amendment.

Done this 6th day of April, 1989.

Respectfully submitted,
HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 546, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 546:

Please amend on page 1, line 23, by striking the number "322" and inserting in lieu thereof the number "1295".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 6th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Warren, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 546, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clay, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Grouby, Hall, Harvey, Haynes, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, Mikell, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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And the bill:

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322) providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

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Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clay, Crow, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 282, without the Governor's signature and approval, but with the following veto message.

Done this 6th day of April, 1989.

Respectfully submitted,
HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 282 without my signature.

After reviewing this bill relating to the Fayette County Water Authority, I find that it is a duplicate bill to Senate Bill No. 197 which is now Act No. 89-188 dated April 4, 1989.

The sponsor of this bill has been contacted by my office, and I understand that he has no objections to the veto of House Bill No. 282.

For the foregoing reasons, I hereby veto House Bill No. 282. I encourage you to join me in this decision.

Done on this the 6th day of April, 1989.

Respectfully,
GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 282. Relating to Fayette County; authorizing and providing for the incorporation of the Fayette County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

The question was upon the passage of the bill, H. 282, Governor's veto to the contrary notwithstanding.

On motion of Rep. Newman, the bill, H. 282, was again read at length and passed, the Governor's veto to the contrary notwithstanding.

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Yeas 55; Nays 2.

Yeas:

Reps. Beasley, Black, Blake, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clay, Colvin, Davis, Escott, Flowers, Ford, Freeman, Fuller, Goodwin, Grayson, Hall, Haynes, Higginbotham, Holley, Holmes, Johnson (RG), Johnson (RW), Layson, Lindsey, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Perdue, Poole, Richardson, Rogers, Starkey, Thomas, Turner, Warren, White (F), White (L), Willis and Zoghby.

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Nays: Reps. Brooks and Sanderford.

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Which was a majority of the whole number elected to the House.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 342. COMMENDING THE UNIVERSITY OF MONTEVALLO MEN'S BASKETBALL TEAM ON THEIR OUTSTANDING ACCOMPLISHMENTS OF THE 1988-89 SEASON.

Also:

H. J. R. 343. COMMENDING JOHN MALOY LONG OF TROY STATE UNIVERSITY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 400, without the Governor's signature and approval, but with the following veto message.

Done this 6th day of April, 1989.

Respectfully submitted,
HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 400 without my signature.

After reviewing this bill relating to Lamar County sales and use tax on casual sales of motor vehicles, I find that it is a duplicate bill to Senate Bill No. 350 which is now Act No. 89-190, dated April 4, 1989.

The sponsor of this bill has been contacted by my office, and I understand that he has no objections to the veto of House Bill No. 400.

For the foregoing reasons, I hereby veto House Bill No. 400 I encourage you to join me in this decision.

Done on this the 6th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 400. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

The question was then on the passage of the bill, H. 400, the Governor's veto to the contrary notwithstanding.

On motion of Rep. Newman, the bill, H. 400, was again read at length and passed, the Governor's veto to the contrary notwithstanding.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Clay, Colvin, Davis, Escott, Flowers, Ford, Freeman, Hall, Haynes, Higginbotham, Holley, Johnson (RW), Layson, Lindsey, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Parker, Payne, Perdue, Poole, Richardson, Rogers, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L), Williams and Zoghby.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 72, without the Governor's signature and approval, but with the following veto message.

Done this 6th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 72 without my signature.

This bill would establish and promote governmental competition with private enterprise in the communications industry.

For the foregoing reasons, I hereby veto House Bill No. 72 I encourage you to join me in this decision.

Done on this the 6th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 72. Relating to the City of Livingston in Sumter County; authorizing the City of Livingston as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the City and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

The question was then on the passage of the bill, H. 72, the Governor's veto to the contrary notwithstanding.

On motion of Rep. Black, the bill, H. 72, was again read at length and passed, the Governor's veto to the contrary notwithstanding.

Yeas 64; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Blakeney, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Crow, Davis, Dillard, Escott, Flowers, Ford, Fuller, Gray, Grouby, Hall, Hamilton, Harper, Haynes, Higginbotham, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Layson, Lindsey, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, Walker, Warren, White (F), White (L), Williams, Willis and Zoghby.

—64

Which was a majority of the whole number elected to the House.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H R. 415. COMMENDING TOMMY FUTRAL FOR OUTSTANDING ACHIEVEMENT WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Corbett:

S. 106. To provide for the lawful operation of certain coin-operated playing card game vending machines that reward competent play with free games on such machines and to levy and impose a certain privilege tax on certain persons, firms, corporations, associations and copartnerships operating such card game vending machines.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 106. State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Colvin:

H. J. R. 416. COMMENDING DAVID BRYANT SMITH OF GADSDEN, ALABAMA.

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WHEREAS, David Bryant Smith of Gadsden, Alabama, is being honored by that community, for his outstanding accomplishments as a quarterback for the University of Alabama Crimson Tide, and is being recognized as well for his persistent courage and fortitude in overcoming the many injuries of his career; and

WHEREAS, David Smith, who as a senior was selected as a permanent team offensive captain by his teammates, came to Alabama as a walkon, and went on to win a scholarship and to become one of the leading quarterbacks in the SEC; and

WHEREAS, a quarterback-punter and All-state baseball star at Gadsden's Southside High, David Smith's injuries began as a senior with a knee injury requiring surgery; at Tennessee Military Institute he suffered a broken collarbone in the 3rd game, missing the remainder of the season; as a junior at Alabama, after starting the first four games, he suffered a broken right collarbone against Vanderbilt, to miss six games of the season; and on September 13, 1988, following the season's opening game of his senior year, suffered a severe knee injury requiring surgery, but returned for the fourth game to lead the Tide's victory over Tennessee; and

WHEREAS, among the many highlights of his career, David Smith in 1988 was named SEC Player of the Week in games against Mississippi State and Texas A&M; was the Birmingham Quarterback Club SEC Offensive Player of the Year; CBS Player of the Game against LSU, and ESPN Player of the Game against Texas A&M; was Sun Bowl MVP, and was selected to the Football News' All-Bowl Team; and

WHEREAS, he further set Alabama's All-time bowl record of 33 completions out of 52 pass attempts for 412 yards and two touchdowns; tied the Tide's 1977-78 record for most passes (100) without an interception; and set Bama's All-time completion percentage of passes attempted/completed; and

WHEREAS, David Smith, now pursuing his Master's degree in industrial marketing at the University, received his B.S. degree in 1988 with an overall 3.54 grade point average; he also was named to the SEC Academic Honor Roll and was the recipient of the University of Alabama Alumni Pat Trammell Award, the Paul Bryant Award for academic excellence, and the Anniston Boys Club Citizen of the Year, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the Gadsden community in commending David Bryant Smith for outstanding achievement, and do further direct that he be presented with a copy of this resolution, executed in warmest personal regard and in sincere admiration of his many accomplishments.

On motion of Rep. Colvin, the rules were suspended and the resolution, H. J. R. 416, was adopted.

Also:

By Rep. Breedlove:

H. J. R. 417. COMMENDING SHANE DICKERSON OF FRUITDALE HIGH SCHOOL, DISTRICT V TEACHER OF THE YEAR.

WHEREAS, it is with utmost pride and pleasure, that the Legislature of Alabama notes the selection of the Washington County Teacher of the

Year, Shane Dickerson, band director at Fruitdale High School, as 1988-1989 Teacher of the Year for District V which comprises an 18-county area; and

WHEREAS, Mr. Dickerson, one of eight finalists for Alabama Teacher of the Year, was educated in the Washington County Public Schools and is a 1972 graduate of Washington County High School; he attended Auburn University as a music education major, and has studied additionally at Richmond College and Guildhall School of Music; and

WHEREAS, during Mr. Dickerson's tenure at Fruitdale High School and under his talented leadership and tutelage, the Fruitdale band has performed at the State Capitol and at two World's Fairs; the band further has received superior ratings at district level for the past four years, and has rated excellent as well at the state level of competition; and

WHEREAS, Shane Dickerson has indeed demonstrated outstanding professional dedication, in devoting his total efforts and considerable talent toward a goal of educational excellence for his students at Fruitdale High School; and

WHEREAS, Mr. Dickerson, in addition to his teaching responsibilities, has extended his professional involvement to include membership in both the Mobile Opera Orchestra and the City of Mobile Symphonic Pops Band; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, and as District V Teacher of the Year, we hereby commend Shane Dickerson of Fruitdale High School, Washington County, Alabama, and direct that he receive a copy of this resolution of sincere warm praise and esteem.

On motion of Rep. Breedlove, the rules were suspended and the resolution, H. J. R. 417, was adopted.

Also:

By Rep. Beers:

H. J. R. 418. COMMENDING THE PIZITZ MIDDLE SCHOOL BAND IN VESTAVIA HILLS, ALABAMA.

WHEREAS, it is with a sense of great personal pride that the Legislature of Alabama congratulates the Pizitz Middle School Band as the recipient of the "Band of the Month" award by Bandribbons, Inc., for the month of November 1988; and

WHEREAS, this outstanding national honor was bestowed upon the Pizitz Band following competition with other bands from throughout the United States; and

WHEREAS, the Pizitz Band also performed for the prestigious "Southern Instrumental Conductor's Conference" sponsored by the University of Southern Mississippi and was the only middle school selected to perform for the conference; and

WHEREAS, the Pizitz Band was rated "Superior" in District Festival Competition for the thirteenth consecutive year and was rated "Superior" at the Alabama State Band Competition Festival; and

WHEREAS, Director Frank Buck and his outstanding young student musicians have indeed brought great honor to their school and to the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as the recipient of the Band of the Month Award, we hereby commend the Pizitz Middle School Band, and do further direct that copies of this resolution be forwarded to Director Buck for presentation to the band and for appropriate school display.

On motion of Rep. Beers, the rules were suspended and the resolution, H. J. R. 418, was adopted.

BILLS ON THIRD READING
BUDGET ISOLATION RESOLUTION

On motion of Rep. Grouby, Budget Isolation Resolution relating to H. B. 974, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Box, Breedlove, Brooks, Bugg, Buskey (JL), Carothers, Carter, Clay, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Harvey, Headley, Hogan, Holley, Holmes, Hooper, Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Marks, Mathis, McClain, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Sanderford, Starkey, Thomas, Venable, Walker, White (F), White (L), Williams, Willis and Zoghby.

—54

And the bill:

H. 974. Relating to Autauga County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the tax assessor and tax collector to said probate office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Carter, Clay, Crow, Curry, Dillard, Drake, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Marks, Mathis, McClain, Melton, Moon, Newman,

Newton (C), Parker, Payne, Petelos, Sanderford, Slaughter, Starkey, Thomas, Venable, Walker, White (F), White (G), White (L), Williams, Willis and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Drake, Budget Isolation Resolution relating to H. B. 858, was adopted.

Yeas 55; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clay, Crow, Dillard, Drake, Frazier, Freeman, Gaston, Hall, Hamilton, Hammett, Harvey, Headley, Hogan, Holley, Hooper, Johnson (RW), Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Rains, Rogers, Sanderford, Thomas, Venable, Walker, White (G), Williams, Willis and Zoghby.

—55

And the bill:

H. 858. Relating to Morgan County, providing further for expense allowances for the chairman and associate commissioners of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Carter, Clay, Crow, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newton (C), Parker, Payne, Penry, Perdue, Poole, Rains, Rogers, Sanderford, Slaughter, Thomas, Venable, Walker, White (F), White (G), White (L), Williams, Willis and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 999, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clay, Crow, Curry, Dillard, Flowers, Frazier, Freeman, Hall, Hamilton, Hammett, Harvey, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim,

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Lindsey, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Starkey, Thomas, Turnham, Venable, White (G), Williams, Willis and Zoghby.

—61

And the bill:

H. 999. Relating to Coosa County; amending the Title and Sections 3, 5 and 12 of Act No. 86-239, H. 775 of the Regular Session 1986, (Acts 1986, p. 362) relating to the offices of chairman and associate members of the Coosa County Commission, so as to further provide for the compensation and manner of payment; to provide for the voting status of the judge of probate; to require the commission to authorize travel out of the state only for emergencies and the benefit of the citizens of Coosa County, except for law enforcement traveling on official business or duty; and to provide for the effective operation of the act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clay, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—76

BUDGET ISOLATION RESOLUTION

On motion of Rep. Willis, Budget Isolation Resolution relating to H. B. 1014, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clay, Crow, Curry, Dillard, Drake, Escott, Flowers, Freeman, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hill, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

And the bill:

H. 1014. Proposing an amendment to the Constitution of Alabama of 1901, providing for fire protection districts in Calhoun County and the

financing of such districts through the levy and collection of additional property taxes in such districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—80

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (C), Budget Isolation Resolution relating to H. B. 1015, was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clay, Crow, Curry, Dillard, Drake, Escott, Flowers, Freeman, Gaston, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—70

And the bill:

H. 1015. To authorize the Butler County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers,

Clay, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Freeman, Gaston, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Holley, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—68

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (D), Budget Isolation Resolution relating to H. B. 875, was adopted.

Yeas 62; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Crow, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Goodwin, Hall, Hamilton, Harper, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Lindsey, Logan, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, White (F), White (G), White (L), Willis, Wright and Zoghby.

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Nays: Reps. Beers, Curry and Payne.

—3

And the bill:

H. 875. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

Was taken up.

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 875:

Amend H. B. 875, page 2, section 1, line 18, by deleting the word “and” following the word “located” and substituting in lieu thereof a comma.

Further amend H. B. 875, page 2, section 1, line 20, by deleting the period following the word “center” and adding the following:

“, and (iii) if such hotel is to be owned or operated by the Class 1 municipality, and if there is at the time a public corporation in existence that owns a civic center located within such municipality, such municipality

shall obtain the approval of the governing body of such public corporation and the approval of the governing body of the county in which all or the largest part of the area of such municipality is located as conditions precedent to the ownership or operation of such hotel by such municipality, such approvals to be evidenced by formal resolutions respectively adopted by the governing bodies of such public corporation and such county.

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Goodwin, Hall, Hamilton, Harper, Harvey, Headley, Hill, Hogan, Holley, Johnson (RW), Knight, Lindsey, Logan, Marks, Mathis, McClain, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—69

And the bill, H. 875 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (W), Clay, Davis, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Goodwin, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hill, Holley, Johnson (RW), Knight, Lindsey, Logan, Marks, McClain, McDowell, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

—62

Nays: Reps. Beers, Curry, Gray, Payne and Wright.

—5

BUDGET ISOLATION RESOLUTION

On motion of Rep. McClain, Budget Isolation Resolution relating to H. B. 922, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Clay, Curry, Davis, Dillard, Escott, Flowers, Freeman, Goodwin, Gray, Hall, Hamilton, Harper, Headley, Holley, Johnson (RG), Johnson (RW), Knight, Lindsey, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos,

Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Thomas, White (F), White (G), Willis, Wright and Zoghby.

—61

And the bill:

H. 922. Relating to Jefferson County; to further amend Section 19 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a countywide civil service system; to provide for leaves of absence and vacation for permanent employees holding full-time positions under jurisdiction of this act at the option of the appointing authority, and to provide for related matters.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Clay, Curry, Davis, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Goodwin, Hall, Harvey, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Lindsey, Marks, Mathis, McClain, McDowell, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—66

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holmes Budget Isolation Resolution relating to H. B. 918, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Clay, Curry, Davis, Dillard, Drake, Escott, Flowers, Freeman, Goodwin, Hall, Hamilton, Headley, Holmes, Johnson (RG), Johnson (RW), Knight, Lindsey, Marks, Mathis, McClain, McMillan, Melton, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Warren, White (G) and Zoghby.

—56

And the bill:

H. 918. Relating to Montgomery County; providing that the county commission shall appoint the county administrator; providing for the manner of appointing the assistant county administrator; removing the county administrator and the assistant county administrator from the merit system; repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Clay, Curry, Davis, Dillard, Escott, Flowers, Freeman, Hall, Hamilton, Harper, Headley, Holmes, Hooper, Johnson (RG), Johnson (RW), Lindsey, Marks, Mathis, McClain, Moon, Newton (D), Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Spratt, Thomas, Warren, White (G), Willis and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holmes, Budget Isolation Resolution relating to H. B. 919, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (W), Clay, Davis, Dillard, Escott, Flowers, Freeman, Goodwin, Hall, Hamilton, Harper, Harvey, Holmes, Hooper, Johnson (RG), Johnson (RW), Lindsey, Marks, Mathis, McClain, Moon, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Spratt, Thomas, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 919. Relating to Montgomery County; amending Section 1 of Act No. 87-748, H. 1051 of the 1987 Alabama Legislature (Acts 1987, p. 1472), providing for the release of certain persons from legal custody who own equitable interest in real estate of the county, so as to further provide for persons who can post bail or appeal bonds using certain real estate equitable interest.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (W), Clay, Davis, Dillard, Drake, Escott, Freeman, Fuller, Goodwin, Hall, Hamilton, Harper, Harvey, Hooper, Johnson (RW), Lindsey, Marks, McClain, McMillan, Moon, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McKee, Budget Isolation Resolution relating to H. B. 611, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (W), Clay, Curry, Davis, Dillard, Drake, Escott, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Headley, Hogan, Holley, Holmes, Hooper, Johnson (RW), Knight, Kvalheim, Lindsey, Marks, McClain, McKee, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, White (F), White (G), White (L), Willis and Zoghby.

—65

And the bill:

H. 611. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act No. 356 of the Legislature of Alabama of 1973 to increase the maximum retirement allowance credit from 30 to 40 years of creditable service; to amend Section 1 of Act No. 618 of the Legislature of Alabama of 1977 to equalize the reemployment repayment provisions for the restoration of creditable service credit; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to increase the maximum annual service retirement allowance from 12 times sixty per centum to 12 times eighty per centum of the members' average monthly compensation, to reduce the creditable service required for vesting from 15 to 10 years and to remove special retirement restrictions for members who have attained the age of 70.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (W), Clay, Curry, Davis, Dillard, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Headley, Hogan, Holley, Holmes, Hooper, Johnson (RW), Knight, Kvalheim, Lindsey, Marks, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, White (F), White (G), White (L), Willis and Zoghby.

—66

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to S. B. 601, was adopted.

Yeas 46; Nays 2.

Yeas:

Reps. Beers, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Carter, Davis, Dillard, Drake, Escott, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, McClain, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Sanderford, Spratt, Turner, Venable, Walker, White (F), White (L) and Zoghby.

—46

Nays: Reps. Crow and Rains.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 601. Relating to Cleburne County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Was read a third time at length and passed.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carter, Clark (W), Clay, Curry, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Headley, Hogan, Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Sanderford, Slaughter, Spratt, Starkey,

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Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Zoghby.

—63

MOTION TO ADJOURN LOST

On motion offered by Rep. Rogers that the House adjourn until 1:00 o'clock p.m., Tuesday, April 25, 1989, was lost.

Yeas 16; Nays 55.

Yeas:

Reps. Black, Bowling, Bryant, Buskey (JE), Carothers, Clark (W), Clay, Hamilton, Harper, Hogan, Johnson (RW), Kennedy, Rogers, Slaughter, Thomas and Zoghby.

—16

Nays:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Carter, Curry, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Headley, Higginbotham, Holley, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Payne, Penry, Poole, Rains, Sanderford, Starkey, Turner, Venable, Walker, Warren, White (F), White (G), White (L) and Wright.

—55

BILLS ON THIRD READING RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey Budget Isolation Resolution relating to H. B. 986, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carter, Clark (W), Clay, Curry, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Harper, Harvey, Headley, Holley, Johnson (RW), Knight, Kvalheim, Layson, Lindsey, Logan, Marks, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—62

And the bill:

H. 986. Relating to Cherokee County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Leesburg, in Cherokee County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clark (W), Clay, Colvin, Curry, Dillard, Drake, Escott, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Harper, Haynes, Headley, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Sanderford, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—66

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 323. DESIGNATING "WORKERS MEMORIAL DAY" IN ALABAMA.

McDOWELL LEE,
Secretary.

THIRD READING RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Knight Budget Isolation Resolution relating to H. B. 996, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carter, Clark (W), Clay, Curry, Dillard, Drake, Escott, Gaston, Goodwin, Hamilton, Harper, Headley, Knight, Kvalheim, Logan, Marks, McClain, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L), Wright and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 996. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute the net proceeds of said tax to the county general fund; to provide for

termination of the tax unless continued at a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

Was taken up.

AMENDMENT OFFERED

Rep. Knight offered the following amendment to the bill, H. 996:

On page 2, line 8, delete the language "January 1, 1991," and insert in lieu thereof:

May 1, 1990

On page 2, delete lines 13 through 15 in their entirety and insert in lieu thereof:

shall be held at a special election to be held for such purpose called by resolution of the Bibb County Commission, which election shall be called and conducted prior to April 30, 1990. Notice of the

On page 2, on line 26, delete the language "January 1, 1991" and insert in lieu thereof:

May 1, 1990

On page 2, on line 28, delete the language "January 1, 1991" and insert in lieu thereof:

May 1, 1990

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Curry, Dillard, Drake, Escott, Gaston, Goodwin, Hamilton, Harper, Haynes, Headley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, McClain, McMillan, Melton, Mikell, Moon, Newman, Payne, Penry, Petelos, Poole, Rains, Rogers, Sanderford, Spratt, Starkey, Thomas, White (F), White (G), White (L) and Wright.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 996 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 1.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Clay, Curry, Davis, Dillard, Escott, Gaston, Goodwin, Hamilton, Harper, Headley, Knight, Kvalheim, Logan, McClain, McMillan, Mikell,

Moon, Newman, Payne, Penry, Petelos, Poole, Rains, Rogers, Sanderford, Spratt, Starkey, Thomas, Walker, White (F), White (G), White (L) and Wright.

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Nay: Rep. Johnson (RW).

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Headley Budget Isolation Resolution relating to H. B. 1001, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carter, Clay, Curry, Dillard, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Holley, Johnson (RG), Johnson (RW), Knight, Marks, McClain, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Sanderford, Slaughter, Spratt, Starkey, Thomas, Walker, White (F), White (G), White (L) Wright and Zoghby.

—56

And the bill:

H. 1001. Relating to Bibb County, providing for a special recording fee for each document filed for record in the office of the probate judge and providing for the distribution of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carter, Clay, Curry, Davis, Dillard, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Holley, Johnson (RG), Johnson (RW), Knight, Logan, Marks, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Walker, White (F), White (G), White (L), Wright and Zoghby.

—60

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Campbell:

S. J. R. 171. COMMENDING THE CITIZENS OF LAWRENCE COUNTY, ALABAMA, ON THE SUCCESS OF THEIR ANNUAL LIT-TERBUSTER CAMPAIGN.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Parker, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 171, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 419. HONORING OUR COLLEAGUE, FRANK P. "SKIPPY" WHITE OF FLOMATON, AND DESIGNATING HIM AS THE HARDEST WORKING MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

Also:

By Rep. Flowers:

H. R. 420. HONORING OUR COLLEAGUE, LESTER WHITE OF DADEVILLE, AND DESIGNATING HIM AS THE MOST PRODUCTIVE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

Also:

By Rep. Flowers:

H. R. 421. HONORING OUR COLLEAGUE, JAMES E. BUSKEY OF MOBILE, AND DESIGNATING HIM AS THE MOST CAPABLE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

Also:

By Rep. Flowers:

H. R. 422. HONORING OUR COLLEAGUE, SETH HAMMETT OF ANDALUSIA, AND DESIGNATING HIM AS THE MOST KNOWLEDGEABLE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hill Budget Isolation Resolution relating to H. B. 1012, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Carothers, Carter, Clark (W), Clay, Curry, Dillard, Drake, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Headley, Hill, Holley, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McClain, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Slaughter, Starkey, Thomas, White (G), Wright and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1012. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carter, Clark (W), Curry, Davis, Dillard, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Headley, Hill, Holley, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, McClain, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Slaughter, Starkey, Thomas, White (G), Wright and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Melton, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 876.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Melton, Budget Isolation Resolution relating to H. B. 876, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Clay, Curry, Davis, Dillard, Drake, Escott, Freeman, Goodwin, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Holley, Holmes, Johnson (RW), Kennedy, Kvalheim, Layson, Mathis, McClain, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Venable, White (F), White (G), White (L), Willis and Zoghby.

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And the bill:

H. 876. (With Amendments): To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

Was taken up.

SUBSTITUTE OFFERED

Rep. Melton offered the following substitute to the bill, H. 876, with pending amendments:

A BILL TO BE ENTITLED AN ACT

To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28, Code of Alabama 1975, are hereby amended to read as follows:

“§16-49-20.

“There is hereby created a board of trustees for Alabama Agricultural and Mechanical University, a state land-grant educational institution at Huntsville. The board of trustees shall consist of 11 members, two who shall reside in the congressional district in which the institution is situated; one member shall reside in each of the remaining congressional districts in the state as constituted on September 5, 1975; three members shall be selected from the state-at-large, who shall reside in different districts; and the governor, who shall be ex officio president of the board and the president of the student government association shall be a non voting ex officio member. The trustees shall be appointed by the governor, by and with the advice and consent of the senate. The membership shall include at least three

graduates of six members who have earned at least the Baccalaureate Degree from Alabama Agricultural and Mechanical University. Except for the first trustees appointed, trustees shall hold office for a term of six years. All appointments shall be effective only upon confirmation by the senate. The board shall be divided into three classes so that one third shall be appointed biennially. Of the first members appointed to the board, three shall be designated by the governor to serve until January 31, 1978; four until January 31, 1980; and four to serve until January 31, 1982. A trustee may be appointed to serve a second term of six years, but no trustee shall be appointed to serve more than a total of 12 years. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of duties as such. No member of the governing board or employee of any public postsecondary educational institution, no person who has attained the seventy-first birthday prior to appointment, no elected or appointed official and no employee of the state of Alabama having the power of review of the Alabama Agricultural and Mechanical University budget, other than the governor, shall be eligible to serve on the board of trustees. No member shall serve past September 30 after reaching his seventy-first birthday."

"§16-49-26.

"The board of trustees of Alabama Agricultural and Mechanical University shall hold the regular meetings in June and October of each year. The regular annual meeting shall be held at the university on the fourth Thursday in October, unless the board shall, in regular session, determine to hold its meeting at some other another time and place in October. Special meetings of the board may be assembled by either one of the two methods outlined as follows:

"(1) Special meetings of the board may be called by the governor. In calling such special meetings the governor shall mail a written notice to each trustee naming the time and place thereof, at least 10 days in advance of the date of such meeting.

"(2) Upon the application in writing of any four members of the board, the governor shall call a special meeting, naming the time and place thereof and causing notices to be issued in writing to the several members of the board. Such meeting shall not be held on a date less than 10 days subsequent to the notices from the governor. The board of trustees may prescribe other regular times for meetings. The board may recess any regular or special meeting from one date to another and at such recessed meeting it may transact any business relating to the affairs of the institution as long as the meeting is open to the public. Upon the written application of five members of the board filed with the secretary of the board, or of any four members and the president pro tempore, the president pro tempore shall call a meeting and issue notice thereof to the several members, but such special meeting shall not be appointed for a day less than ten days subsequent to the date of the notice. In case there is no president pro tempore of the board, or in case the president pro tempore of the board is incapacitated to act, then the governor, as president of the board, shall upon the written application of five members, in like manner call such special meeting. In the event of an emergency, the president pro tempore is hereby authorized to call an emergency meeting."

"§16-49-27.

"Eight Six members, exclusive of the governor, of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present."

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"§16-49-28.

"The certificate of the president of the board or, in his absence, of the president pro tempore, countersigned by the secretary, shall entitle the several trustees and ex officio members to the payment of their actual expenses incurred in the discharge of their duties as such trustees, in conformity with regulations governing travel expenses of state officials."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 876 CARRIED OVER

On motion of Rep. Melton, the bill, H. 876, and the pending amendments reported by the Standing Committee on Education and the pending substitute offered by him were carried over to the twenty-second legislative day.

CO-SPONSOR ADDED

Rep. Parker was added as co-sponsor to the bill, H. 876.

ADJOURNMENT

On motion of Rep. Harper, the House adjourned until 1:00 o'clock p.m., Tuesday, April 25, 1989.

TWENTY-SECOND DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 25, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Leonard Wood, God's Full Gospel Church, Bessemer, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Shannon Lovvorn, Judson College.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan,

Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-first legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Ford, the reading at length of the Journal of the House for the twenty-first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-first legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Burke, leave of absence was granted for Rep. Lindsey.

PERMISSION GRANTED

At the request of Rep. Headley, his name was removed as co-sponsor to the bill, H. 287.

RESOLUTION

The following resolution was introduced:

By Rep. Campbell:

H. R. 423. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 25, 1989, we adjourn to meet again on Wednesday, April 26, 1989, at 11:00 A.M., and when we adjourn on Wednesday, April 26, 1989, we adjourn to meet again on Thursday, April 27, 1989, at 10:00 A.M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 423, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 775. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development

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authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporations; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, and competitive bid; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 424. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 22nd legislative day, Tuesday, April 25, 1989, taking precedence over the regular order of business, any unfinished business, and the call of the districts for introduction of bills and resolutions:

Report of Standing Committees

Uncontested Local Bills

And the Following Bills:

Inst Id	Page
<u>H. 462</u> —By Turner	181
Counties authorized to levy additional ad valorem taxes	
<u>H. 801</u> —By Harper	129
Ad Valorem Taxes, add'l levy authorized for counties, up to 10 mills; school districts auth. to levy up to 20 mills; election sch.	
<u>H. 802</u> —By Harper (As Amended)	131
Schools, min. local ad valorem tax amt. to fund incr., exemption from penalty provision removed, Secs. 16-13-62, 16-13-65 am'd.	
<u>H. 803</u> —By Harper	130
Public schools stds., compliance and Intervention Act of 1989; school and teacher stds. and evaluations, policies and criteria of St. Board of Ed. estab.	

<u>H. 804</u> —By Harper	132
Property assessment for tax purposes, public school systems to collect co. assessed valuation infor., Sec. 40-7-35 am'd.	
<u>H. 466</u> —By Turner (As Amended and Substituted)	69
Personal income tax exemption for each eligible dependent increased, Sec. 40-18-19 and 40-18-27 amd.	
<u>H. 90</u> —By Campbell (As Substituted)	221
Military retirement benefit, amt. exempted from income tax, Sec. 40-18-20 am'd.	
<u>H. 476</u> —By Turner (As Amended)	116
Income Tax, individual, payments made under private pension plans and military retirement programs exempt, provider for statutory rulemaking authority for dept. adm. of exemp, Secs. 40-18-19 and 40-18-20 am'd.	
<u>H. 461</u> —By Turner (As Amended and Substituted)	64
Industrial development boards, bonds and income therefrom exempt from taxation. Sec. 11-54-96 am'd.	
<u>H. 477</u> —By Turner (As Amended)	66
Property acquired by a medical clinic board, ad valorem tax exemption limited. Sec. 11-58-14 am'd.	
<u>H. 464</u> —By Turner (As Substituted)	114
Assessment and collection of income taxes, time period. Sec. 40-18-45 am'd.	
<u>H. 468</u> —By Turner (As Substituted)	65
Income tax returns, confidentiality, punishment for violation. Sec. 40-18-52 and 40-1-33 am'd.	
<u>H. 469</u> —By Turner	65
Excess income tax withholding and over-payment of estimated tax, interest due specified	
<u>H. 470</u> —By Turner (As Amended)	66
Judicial review extended to revenue dept. under Administrative Procedure Act, Sec. 41-22-20 amd.	
<u>H. 471</u> —By Turner (As Amended)	67
Exchange of sales tax information with federal gov't and other states. Sec. 40-23-29 am'd.	
<u>H. 473</u> —By Turner (As Substituted)	116
Taxation, revenue department powers and duties further provided for, further authorized to promulgate rules and regulations for taxes, Sec. 40-2-11 am'd.	

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H. 475—By Turner (As Amended and Substituted) 112

Revenue department, certain limitations removed in connection with collection of final assessments of taxes to allow certain taxpayers to make appeals without supersedeas bond or payment in full

H. 629—By Turner 63

Ad valorem tax on industrial bldg., ten yr. exempt., Secs. 40-9-40, 40-9-43, 40-9-47 am'd.

H. 630—By Turner 63

Uniform std. set for proposed exempt of ad val. tax, franchise, use and sales and other exemptions consistent with Int. Rev. code; grandfather others, Secs. 40-14-21, 40-14-22, 40-14-40, 40-14-41 and 40-23-5 am'd.

H. 465—By Turner (As Amended) 67

Computer software, subject to sales tax, use tax or rental tax. Secs. 40-23-1, 40-23-60 and 40-12-220 am'd.

H. 448—By Turner (As Amended) 111

Procedure for payment of taxes under protest and recovery of same. Secs. 40-1-11 and 40-1-12 repealed

H. 454—By Turner (As Substituted) 68

State sales tax liabilities revised, Sec. 40-23-7 amd

H. 459—By Turner (As Substituted) 117

Revenue commissioner authorized to issue revenue rulings

H. 116—By Brooks (As Amended) 71

Retailers exempt from liability of sales tax where tax exempt numbers used illegally, cert. users liable, revenue dept. to collect

H. 589—By Penry 70

Commercial shrimpers, property, equipment, gear, vessels of every kind exempt from ad valorem tax

H. 981—By Harper 201

Tax laws of st., cert. clerical errors corrected, alt. to conform to fed. law, numerous sections of Title 40 am'd.

H. 982—By Harper 202

Corporations, "S Corporations", alt. to conform to fed. law., Secs. 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170 amd.

H. 605—By Rep. Walker 134

Taxation on pari-mutuel pools, Mobile Co. Greyhound Park further clarified, Act No. 952, H. 8, Reg. Sess. 1988 am'd.

MOTION TO ADOPT

Rep. Ford offered the motion to adopt the resolution, H. R. 424.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the resolution, H. R. 424:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 22nd legislative day, Tuesday, April 25, 1989, taking precedence over the regular order of business, any unfinished business, and the call of the districts for introduction of bills and resolutions:

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Uncontested Local Bills

And the Following Bills:

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<u>H. 462</u> —By Turner	181
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<u>H. 801</u> —By Harper	129
Ad Valorem Taxes, add'l levy authorized for counties, up to 10 mills; school districts auth. to levy up to 20 mills; election sch.	
<u>H. 802</u> —By Harper (As Amended)	131
Schools, min. local ad valorem tax amt. to fund incr., exemption from penalty provision removed, Secs. 16-13-62, 16-13-65 am'd.	
<u>H. 803</u> —By Harper	130
Public schools stds., compliance and Intervention Act of 1989; school and teacher stds. and evaluations, policies and criteria of St. Board of Ed. estab.	
<u>H. 804</u> —By Harper	132
Property assessment for tax purposes, public school systems to collect co. assessed valuation infor., Sec. 40-7-35 am'd.	
<u>H. 466</u> —By Turner (As Amended and Substituted)	69
Personal income tax exemption for each eligible dependent increased, Sec. 40-18-19 and 40-18-27 amd.	
<u>H. 90</u> —By Campbell (As Substituted)	221
Military retirement benefit, amt. exempted from income tax, Sec. 40-18-20 am'd.	
<u>H. 476</u> —By Turner (As Amended)	116
Income Tax, individual, payments made under private pension plans and military retirement programs exempt, provider for statutory rulemaking authority for dept. adm. of exemp, Secs. 40-18-19 and 40-18-20 am'd.	

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<u>H. 461</u> —By Turner (As Amended and Substituted)	64
Industrial development boards, bonds and income therefrom exempt from taxation. Sec. 11-54-96 am'd.	
<u>H. 477</u> —By Turner (As Amended)	66
Property acquired by a medical clinic board, ad valorem tax exemption limited. Sec. 11-58-14 am'd.	
<u>H. 464</u> —By Turner (As Substituted)	114
Assessment and collection of income taxes, time period. Sec. 40-18-45 am'd.	
<u>H. 468</u> —By Turner (As Substituted)	65
Income tax returns, confidentiality, punishment for violation. Sec. 40-18-52 and 40-1-33 am'd.	
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Excess income tax withholding and over-payment of estimated tax, interest due specified	
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Judicial review extended to revenue dept. under Administrative Procedure Act, Sec. 41-22-20 amd.	
<u>H. 471</u> —By Turner (As Amended)	67
Exchange of sales tax information with federal gov't and other states. Sec. 40-23-29 am'd.	
<u>H. 473</u> —By Turner (As Substituted)	116
Taxation, revenue department powers and duties further provided for, further authorized to promulgate rules and regulations for taxes, Sec. 40-2-11 am'd.	
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Revenue department, certain limitations removed in connection with collection of final assessments of taxes to allow certain taxpayers to make appeals without supersedeas bond or payment in full	
<u>H. 629</u> —By Turner	63
Ad valorem tax on industrial bldg., ten yr. exempt., Secs. 40-9-40, 40-9-43, 40-9-47 am'd.	
<u>H. 630</u> —By Turner	63
Uniform std. set for proposed exempt of ad val. tax, franchise, use and sales and other exemptions consistent with Int. Rev. code; grandfather others, Secs. 40-14-21, 40-14-22, 40-14-40, 40-14-41 and 40-23-5 am'd.	
<u>H. 465</u> —By Turner (As Amended)	67
Computer software, subject to sales tax, use tax or rental tax. Secs. 40-23-1, 40-23-60 and 40-12-220 am'd.	

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Procedure for payment of taxes under protest and recovery of same. Secs. 40-1-11 and 40-1-12 repealed	
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Revenue commissioner authorized to issue revenue rulings	
<u>H. 116</u> —By Brooks (As Amended)	71
Retailers exempt from liability of sales tax where tax exempt numbers used illegally, cert. users liable, revenue dept. to collect	
<u>H. 589</u> —By Penry	70
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<u>H. 981</u> —By Harper	201
Tax laws of st., cert. clerical errors corrected, alt. to conform to fed. law, numerous sections of Title 40 am'd.	
<u>H. 982</u> —By Harper	202
Corporations, "S Corporations", alt. to conform to fed. law., Secs. 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170 amd.	
<u>H. 605</u> —By Walker	134
Taxation on pari-mutuel pools, Mobile Co. Greyhound Park further clarified, Act No. 952, H. 8, Reg. Sess. 1988 am'd.	

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 54; Nays 36.

Yeas:

Reps. Adams, Beers, Blake, Blakeney, Brooks, Bugg, Butler, Clay, Cosby, Crow, Curry, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Moon, Newton (D), Parker, Payne, Penry, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, Turnham, Venable, White (G), Willis and Wright.

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Nays:

Mr. Speaker, Beasley, Biddle, Black, Bowling, Box, Bryant, Burke, Buskey (JE), Campbell, Carothers, Clark (W), Coburn, Colvin, Escott, Ford, Hall, Harper, Holmes, Hooper, Johnson (RW), Marietta, Mathis, McClain, McDowell,

Newman, Newton (C), Perdue, Petelos, Rogers, Slaughter, Warren, White (F), White (L), Williams and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 148. MOURNING THE DEATH OF MRS. MARY FRANK SLEDGE OF MOBILE, ALABAMA.

Also:

S. J. R. 149. MOURNING THE UNTIMELY DEATH OF MRS. MARY HOWARD.

Also:

S. J. R. 163. HONORING MILES COLLEGE SCHOOL OF LAW IN BIRMINGHAM, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 323. DESIGNATING "WORKERS MEMORIAL DAY" IN ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 474. To amend Sections 40-2-12, 40-2-13 and 40-2-14 of the Code of Alabama 1975, so as to allow the department of revenue to store data on electronic media and computer output microfilm and, after validation of accuracy, to destroy the original documents; to allow data stored electronically to be admitted in evidence in all courts.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Dillard would have voted "Yea" on the Holley substitute to the resolution, H. R. 424, had he been in the Chamber at the time of voting.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 775. To define certain terms; to make findings; to authorize and set forth the requirements for the creation of county industrial development authorities, the procedure for incorporation, the qualifications, procedure for election, and terms of the officers and Directors of an Authority, the procedure for reincorporating and ratifying the existence of previously organized industrial development authorities and boards, the issuance, sale, and execution of Bonds, the disposition of proceeds from sale of Bonds and refunding Bonds, the making of grants, the amendment of articles of incorporations; to designate certain powers of the Authority; to exempt Authorities, their property and income, from usury and interest laws, taxation, and competitive bid; to provide limited liability of Authorities, their members, officers, agents, and employees; to provide a procedure for validating Bond issues; to authorize other governmental bodies to appropriate funds and donate property to an Authority; and to make provisions for the dissolution of Authorities and transfer of funds and assets upon dissolution; to permit cities, counties, the State, the teachers' retirement system of Alabama, the employees' retirement system of Alabama, the state insurance fund, and fiduciaries to invest in Bonds issued by an Authority; to permit Bonds issued by an Authority to

be pledged as security for funds belonging to the State or any of its political subdivisions or instrumentalities.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolution, your signature thereto is requested:

S. 601. Relating to Cleburne County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Also:

S. J. R. 171. COMMENDING THE CITIZENS OF LAWRENCE COUNTY, ALABAMA, ON THE SUCCESS OF THEIR ANNUAL LIT-TERBUSTER CAMPAIGN.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 321. To relate to the Alabama Sunset Law; to continue the existence and functioning of the plumbers and gas fitters examining board with certain modifications; to amend sections 34-37-1 through 34-37-10, section 34-37-12 and sections 34-37-14 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

by a majority of the whole number elected to the Senate, said vote being: Yeas 27, Nays 0.

And said Bill, H. B. 321, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits.

by a majority of the whole number elected to the Senate, said vote being: Yeas 27, Nays 0.

And said Bill, H. B. 327, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

H. R. 424 RESUMED SUBSTITUTE OFFERED

Rep. Mathis offered the following substitute to the resolution, H. R. 424 as amended:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 22nd legislative day, Tuesday, April 25, 1989, taking precedence over the regular order of business, and the call of the districts for introduction of bills and resolutions:

Report of Standing Committees

Uncontested Local Bills

Unfinished Business

And the Following Bills:

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<u>H. 462</u> —By Turner	181
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<u>H. 801</u> —By Harper	129
Ad Valorem Taxes, add'l levy authorized for counties, up to 10 mills; school districts auth. to levy up to 20 mills; election sch.	

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<u>H. 802</u> —By Harper (As Amended)	131
Schools, min. local ad valorem tax amt. to fund incr., exemption from penalty provision removed, Secs. 16-13-62, 16-13-65 am'd.	
<u>H. 803</u> —By Harper	130
Public schools stds., compliance and Intervention Act of 1989; school and teacher stds. and evaluations, policies and criteria of St. Board of Ed. estab.	
<u>H. 804</u> —By Harper	132
Property assessment for tax purposes, public school systems to collect co. assessed valuation infor., Sec. 40-7-35 am'd.	
<u>H. 466</u> —By Turner (As Amended and Substituted)	69
Personal income tax exemption for each eligible dependent increased, Sec. 40-18-19 and 40-18-27 amd.	
<u>H. 90</u> —By Campbell (As Substituted)	221
Military retirement benefit, amt. exempted from income tax, Sec. 40-18-20 am'd.	
<u>H. 476</u> —By Turner (As Amended)	116
Income Tax, individual, payments made under private pension plans and military retirement programs exempt, provider for statutory rulemaking authority for dept. adm. of exemp, Secs. 40-18-19 and 40-18-20 am'd.	
<u>H. 461</u> —By Turner (As Amended and Substituted)	64
Industrial development boards, bonds and income therefrom exempt from taxation. Sec. 11-54-96 am'd.	
<u>H. 477</u> —By Turner (As Amended)	66
Property acquired by a medical clinic board, ad valorem tax exemption limited. Sec. 11-58-14 am'd.	
<u>H. 464</u> —By Turner (As Substituted)	114
Assessment and collection of income taxes, time period. Sec. 40-18-45 am'd.	
<u>H. 468</u> —By Turner (As Substituted)	65
Income tax returns, confidentiality, punishment for violation. Sec. 40-18-52 and 40-1-33 am'd.	
<u>H. 469</u> —By Turner	65
Excess income tax withholding and over-payment of estimated tax, interest due specified	
<u>H. 470</u> —By Turner (As Amended)	66
Judicial review extended to revenue dept. under Administrative Procedure Act, Sec. 41-22-20 amd.	

<u>H. 471</u> —By Turner (As Amended)	67
Exchange of sales tax information with federal gov't and other states. Sec. 40-23-29 am'd.	
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Taxation, revenue department powers and duties further provided for, further authorized to promulgate rules and regulations for taxes, Sec. 40-2-11 am'd.	
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Revenue department, certain limitations removed in connection with collection of final assessments of taxes to allow certain taxpayers to make appeals without supersedeas bond or payment in full	
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Uniform std. set for proposed exempt of ad val. tax, franchise, use and sales and other exemptions consistent with Int. Rev. code; grandfather others, Secs. 40-14-21, 40-14-22, 40-14-40, 40-14-41 and 40-23-5 am'd.	
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Computer software, subject to sales tax, use tax or rental tax. Secs. 40-23-1, 40-23-60 and 40-12-220 am'd.	
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Procedure for payment of taxes under protest and recovery of same. Secs. 40-1-11 and 40-1-12 repealed	
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State sales tax liabilities revised, Sec. 40-23-7 amd	
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Revenue commissioner authorized to issue revenue rulings	
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Retailers exempt from liability of sales tax where tax exempt numbers used illegally, cert. users liable, revenue dept. to collect	
<u>H. 589</u> —By Penry	70
Commercial shrimpers, property, equipment, gear, vessels of every kind exempt from ad valorem tax	
<u>H. 981</u> —By Harper	201
Tax laws of st., cert. clerical errors corrected, alt. to conform to fed. law, numerous sections of Title 40 am'd.	

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H. 982—By Harper 202

Corporations, "S Corporations", alt. to conform to fed. law., Secs. 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170 amd.

H. 605—By Walker 134

Taxation on pari-mutuel pools, Mobile Co. Greyhound Park further clarified, Act No. 952, H. 8, Reg. Sess. 1988 am'd.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Buskey (JE) offered the following substitute to the substitute offered by Rep. Mathis to the resolution, H. R. 424 as amended:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 22nd legislative day, Tuesday, April 25, 1989, taking precedence over the regular order of business, any unfinished business, and the call of the districts for introduction of bills and resolutions:

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Schools, min. local ad valorem tax amt. to fund incr., exemption from penalty provision removed, Secs. 16-13-62, 16-13-65 am'd.

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Public schools stds., compliance and Intervention Act of 1989; school and teacher stds. and evaluations, policies and criteria of St. Board of Ed. estab.

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Property assessment for tax purposes, public school systems to collect co. assessed valuation infor., Sec. 40-7-35 am'd.

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Personal income tax exemption for each eligible dependent increased, Sec. 40-18-19 and 40-18-27 amd.

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Military retirement benefit, amt. exempted from income tax, Sec. 40-18-20 am'd.

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Assessment and collection of income taxes, time period. Sec. 40-18-45 am'd.	
<u>H. 468</u> —By Turner (As Substituted)	65
Income tax returns, confidentiality, punishment for violation. Sec. 40-18-52 and 40-1-33 am'd.	
<u>H. 469</u> —By Turner	65
Excess income tax withholding and over-payment of estimated tax, interest due specified	
<u>H. 470</u> —By Turner (As Amended)	66
Judicial review extended to revenue dept. under Administrative Procedure Act, Sec. 41-22-20 amd.	
<u>H. 471</u> —By Turner (As Amended)	67
Exchange of sales tax information with federal gov't and other states. Sec. 40-23-29 am'd.	
<u>H. 473</u> —By Turner (As Substituted)	116
Taxation, revenue department powers and duties further provided for, further authorized to promulgate rules and regulations for taxes, Sec. 40-2-11 am'd.	
<u>H. 475</u> —By Turner (As Amended and Substituted)	112
Revenue department, certain limitations removed in connection with collection of final assessments of taxes to allow certain taxpayers to make appeals without supersedeas bond or payment in full	
<u>H. 629</u> —By Turner	63
Ad valorem tax on industrial bldg., ten yr. exempt., Secs. 40-9-40, 40-9-43, 40-9-47 am'd.	
<u>H. 630</u> —By Turner	63
Uniform std. set for proposed exempt of ad val. tax, franchise, use and sales and other exemptions consistent with Int. Rev. code; grandfather others, Secs. 40-14-21, 40-14-22, 40-14-40, 40-14-41 and 40-23-5 am'd.	

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<u>H. 465</u> —By Turner (As Amended)	67
Computer software, subject to sales tax, use tax or rental tax. Secs. 40-23-1, 40-23-60 and 40-12-220 am'd.	
<u>H. 448</u> —By Turner (As Amended)	111
Procedure for payment of taxes under protest and recovery of same. Secs. 40-1-11 and 40-1-12 repealed	
<u>H. 454</u> —By Turner (As Substituted)	68
State sales tax liabilities revised, Sec. 40-23-7 amd	
<u>H. 459</u> —By Turner (As Substituted)	117
Revenue commissioner authorized to issue revenue rulings	
<u>H. 116</u> —By Brooks (As Amended)	71
Retailers exempt from liability of sales tax where tax exempt numbers used illegally, cert. users liable, revenue dept. to collect	
<u>H. 589</u> —By Penry	70
Commercial shrimpers, property, equipment, gear, vessels of every kind exempt from ad valorem tax	
<u>H. 981</u> —By Harper	201
Tax laws of st., cert. clerical errors corrected, alt. to conform to fed. law, numerous sections of Title 40 am'd.	
<u>H. 982</u> —By Harper	202
Corporations, "S Corporations", alt. to conform to fed. law., Secs. 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40- 18-166, 40-18-169, 40-18-170 amd.	
<u>H. 605</u> —By Walker	134
Taxation on pari-mutuel pools, Mobile Co. Greyhound Park further clarified, Act No. 952, H. 8, Reg. Sess. 1988 am'd.	
<u>H. 275</u> —By Holley	—2

SUBSTITUTE TO SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the substitutes offered
by Reps. Mathis and Buskey (JE) to the resolution, H. R. 424 as amended:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
immediately upon the adoption of this resolution, the following business in
the order named be made the special, paramount and continuing order of
business beginning April 25, 1989, taking precedence over any other business
of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

BASEBALL

SUBSTITUTE LOST

The substitute offered by Rep. Harper to the resolution, H. R. 424 as amended, was lost.

Yeas 42; Nays 46.

Yeas:

Mr. Speaker, Beasley, Black, Bowling, Box, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Colvin, Crow, Davis, Ford, Frazier, Fuller, Grayson, Grouby, Hall, Harper, Haynes, Hogan, Holmes, Hooper, Johnson (RG), Marietta, Mathis, McClain, McDowell, Melton, Newman, Petelos, Poole, Rogers, Slaughter, Thomas, Turnham, Warren, White (F), Willis and Zoghby.

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Nays:

Reps. Adams, Beers, Biddle, Blake, Breedlove, Brooks, Bugg, Butler, Clay, Cosby, Curry, Dillard, Drake, Freeman, Goodwin, Gray, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Holley, Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, Venable, White (G) and Wright.

—46

SUBSTITUTE WITHDRAWN

Rep. Buskey (JE) withdrew the substitute offered by him to the substitute offered by Rep. Mathis to the resolution, H. R. 424, as amended.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 321. To relate to the Alabama Sunset Law; to continue the existence and functioning of the plumbers and gas fitters examining board with certain modifications; to amend Sections 34-37-1 through 34-37-10, section 34-37-12 and sections 34-37-14 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 327. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-15, 34-9-16, 34-9-41, 34-9-63 and 34-9-64, Code of Alabama 1975, so as to require, by the adoption and promulgation of rules and regulations of the board, for a continuing education program by October 1, 1991, and to make the successful completion of said program a requisite to license renewal; to provide for education fee for student hygienists in the Alabama Dental Hygienist Program; to reimburse board members' per diem and travel expenses at the same rate paid to state employees; and to increase fees for the issuance and renewal of intravenous sedation permits.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. R. 424 RESUMED

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Mathis offered the following substitute to the substitute offered by him to the resolution, H. R. 424 as amended:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 22nd legislative day, Tuesday, April 25, 1989, taking precedence over the regular order of business, any unfinished business, and the call of the districts for introduction of bills and resolutions:

Report of Standing Committees

Uncontested Local Bills

And the Following Bills:

Inst Id	Page
<u>H. 47</u> —By Mathis	
<u>H. 275</u> —By Holley	
<u>H. 462</u> —By Turner	181
Counties authorized to levy additional ad valorem taxes	
<u>H. 801</u> —By Harper	129
Ad Valorem Taxes, add'l levy authorized for counties, up to 10 mills; school districts auth. to levy up to 20 mills; election sch.	

<u>H. 802</u> —By Harper (As Amended)	131
Schools, min. local ad valorem tax amt. to fund incr., exemption from penalty provision removed, Secs. 16-13-62, 16-13-65 am'd.	
<u>H. 803</u> —By Harper	130
Public schools stds., compliance and Intervention Act of 1989; school and teacher stds. and evaluations, policies and criteria of St. Board of Ed. estab.	
<u>H. 804</u> —By Harper	132
Property assessment for tax purposes, public school systems to collect co. assessed valuation infor., Sec. 40-7-35 am'd.	
<u>H. 466</u> —By Turner (As Amended and Substituted)	69
Personal income tax exemption for each eligible dependent increased, Sec. 40-18-19 and 40-18-27 amd.	
<u>H. 90</u> —By Campbell (As Substituted)	221
Military retirement benefit, amt. exempted from income tax, Sec. 40-18-20 am'd.	
<u>H. 476</u> —By Turner (As Amended)	116
Income Tax, individual, payments made under private pension plans and military retirement programs exempt, provider for statutory rulemaking authority for dept. adm. of exemp, Secs. 40-18-19 and 40-18-20 am'd.	
<u>H. 461</u> —By Turner (As Amended and Substituted)	64
Industrial development boards, bonds and income therefrom exempt from taxation. Sec. 11-54-96 am'd.	
<u>H. 477</u> —By Turner (As Amended)	66
Property acquired by a medical clinic board, ad valorem tax exemption limited. Sec. 11-58-14 am'd.	
<u>H. 464</u> —By Turner (As Substituted)	114
Assessment and collection of income taxes, time period. Sec. 40-18-45 am'd.	
<u>H. 468</u> —By Turner (As Substituted)	65
Income tax returns, confidentiality, punishment for violation. Sec. 40-18-52 and 40-1-33 am'd.	
<u>H. 469</u> —By Turner	65
Excess income tax withholding and over-payment of estimated tax, interest due specified	
<u>H. 470</u> —By Turner (As Amended)	66
Judicial review extended to revenue dept. under Administrative Procedure Act, Sec. 41-22-20 amd.	

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<u>H. 471</u> —By Turner (As Amended)	67
Exchange of sales tax information with federal gov't and other states. Sec. 40-23-29 am'd.	
<u>H. 473</u> —By Turner (As Substituted)	116
Taxation, revenue department powers and duties further provided for, further authorized to promulgate rules and regulations for taxes, Sec. 40-2-11 am'd.	
<u>H. 475</u> —By Turner (As Amended and Substituted)	112
Revenue department, certain limitations removed in connection with collection of final assessments of taxes to allow certain taxpayers to make appeals without supersedeas bond or payment in full	
<u>H. 629</u> —By Turner	63
Ad valorem tax on industrial bldg., ten yr. exempt., Secs. 40-9-40, 40-9-43, 40-9-47 am'd.	
<u>H. 630</u> —By Turner	63
Uniform std. set for proposed exempt of ad val. tax, franchise, use and sales and other exemptions consistent with Int. Rev. code; grandfather others, Secs. 40-14-21, 40-14-22, 40-14-40, 40-14-41 and 40-23-5 am'd.	
<u>H. 465</u> —By Turner (As Amended)	67
Computer software, subject to sales tax, use tax or rental tax. Secs. 40-23-1, 40-23-60 and 40-12-220 am'd.	
<u>H. 448</u> —By Turner (As Amended)	111
Procedure for payment of taxes under protest and recovery of same. Secs. 40-1-11 and 40-1-12 repealed	
<u>H. 454</u> —By Turner (As Substituted)	68
State sales tax liabilities revised, Sec. 40-23-7 amd	
<u>H. 459</u> —By Turner (As Substituted)	117
Revenue commissioner authorized to issue revenue rulings	
<u>H. 116</u> —By Brooks (As Amended)	71
Retailers exempt from liability of sales tax where tax exempt numbers used illegally, cert. users liable, revenue dept. to collect	
<u>H. 589</u> —By Penry	70
Commercial shrimpers, property, equipment, gear, vessels of every kind exempt from ad valorem tax	
<u>H. 981</u> —By Harper	201
Tax laws of st., cert. clerical errors corrected, alt. to conform to fed. law, numerous sections of Title 40 am'd.	

H. 982—By Harper

202

Corporations, "S Corporations", alt. to conform to fed. law., Secs. 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-165, 40-18-166, 40-18-169, 40-18-170 amd.

H. 605—By Walker

134

Taxation on pari-mutuel pools, Mobile Co. Greyhound Park further clarified, Act No. 952, H. 8, Reg. Sess. 1988 am'd.

SUBSTITUTE TO SUBSTITUTE LOST

The substitute to the substitute offered by Rep. Mathis to the resolution, H. R. 424 as amended, was lost.

Yeas 16; Nays 44.

Yeas:

Reps. Beasley, Bowling, Buskey (JE), Buskey (JL), Davis, Hall, Hogan, Holmes, Mathis, McClain, McDowell, Newton (C), Rogers, Slaughter, Warren and Williams.

—16

Nays:

Reps. Adams, Beers, Biddle, Blake, Blakeney, Breedlove, Bugg, Clay, Cosby, Crow, Curry, Dillard, Drake, Flowers, Frazier, Fuller, Goodwin, Gray, Hamilton, Hammett, Headley, Hill, Holley, Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Newton (D), Parker, Payne, Petelos, Richardson, Seibels, Spratt, Starkey, Turnham, Venable, White (L) and Wright.

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SUBSTITUTE LOST

The question was then on the substitute offered by Rep. Mathis to the resolution, H. R. 424 as amended, and the substitute was lost.

Yeas 25; Nays 41.

Yeas:

Reps. Beasley, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Dillard, Ford, Frazier, Fuller, Gray, Grouby, Hall, Harper, Hogan, Holmes, Mathis, Newman, Newton (C), Rogers, Slaughter, Warren, White (F), Williams and Willis.

—25

Nays:

Reps. Adams, Beers, Biddle, Blake, Box, Breedlove, Bugg, Butler, Clay, Cosby, Crow, Curry, Drake, Flowers, Goodwin, Hamilton, Hammett, Harvey, Higginbotham, Hill, Holley, Knight, Laird, Layson, Logan, Marks, McKee, McMillan, Newton (D), Parker, Payne, Petelos, Richardson, Seibels, Spratt, Starkey, Turnham, Venable, White (L), Wright and Zoghby.

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RESOLUTION ADOPTED

And the resolution, H. R. 424 as amended, was adopted.

Yeas 57; Nays 20.

Yeas:

Reps. Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Butler, Clay, Cosby, Crow, Curry, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harvey, Higginbotham, Hill, Hogan, Holley, Knight, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Petelos, Richardson, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (G), Willis, Wright and Zoghby.

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Nays:

Mr. Speaker, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Davis, Grouby, Harper, Holmes, Mathis, McClain, McDowell, Melton, Newman, Rogers, Slaughter, White (F), White (L) and Williams.

—20

LEAVE OF ABSENCE

At the request of Rep. Ford, leave of absence was granted for Rep. Carter.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Ford intended to vote "Yea" on the substitute offered by Rep. Holley to the resolution, H. R. 424.

BILLS ON SECOND READING

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 604. To provide that the local governing bodies in Lowndes County and the Lowndes County governing body shall have certain mandatory authority and participation in solid waste collection and disposal programs; to provide for the authority of said local governing bodies to adopt by resolutions and ordinances reasonable rules and regulations relating to such participation; to provide for certain public nuisance violations and fines; to provide for certain assessments and procedures, all relating to solid waste collection and disposal facilities; to provide for fees and assessments, and fines for violations; to provide for hearings of aggrieved parties and fines.

H. 1035. To authorize the governing body of Wetumpka to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Wetumpka, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings;

to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

H. 1037. Relating to Cherokee County; approving and authorizing the Cherokee County Commission to levy a certain increase in the ad valorem tax presently being levied in accordance with Amendment No. 373 to the Constitution of Alabama of 1901; providing that such increased countywide ad valorem tax shall be levied and collected by Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Cherokee County at a special election called and held in accordance with the laws governing special elections.

H. 1038. To promote the maintenance of Cherokee County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Cherokee County Health Department to enforce littering laws in Cherokee County; and to prescribe fines for violations.

H. 1044. Relating to Marengo County; providing for a certain expense allowance and a certain mileage allowance for the coroner and specifically repealing Act No. 79-522, H. 397, approved July 30, 1979 (Acts 1979, p. 934), Act No. 81-71, H. 86, approved February 26, 1981 (Acts 1981, p. 94), and Act No. 85-895, H. 82, approved September 19, 1985 (Acts 1985, Second Special Session, p. 154).

H. 1050. Relating to Shelby County; approving an increase of the three mill countywide ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by seven mills to ten mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional seven mill tax to be levied and collected by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1989, to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Shelby County at a special election called and held in accordance with the laws governing special elections.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 872. Relating to Jefferson County; to provide for the compensation and other benefits for the Tax Assessor and the Tax Collector and for method of payment and funding.

H. 966. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 458. (With Amendment): Relating to the City of Birmingham, Jefferson County, Alabama; providing for the election of the members of the city board of education from single-member districts.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 976. Providing further for the powers and duties of the mayor of the city of Fairfield, Jefferson County, Alabama; and providing for an advisory referendum.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 509. Relating to Dekalb County; authorizing and providing for the incorporation of the Dekalb County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Dekalb County Water Authority; permitting and authorizing merger of existing water systems or authorities with Dekalb County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent

domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

S. 592. To alter and rearrange the boundary lines of the City of Demopolis, Marengo County, Alabama, so as to include within the corporate limits of said city, in addition to the present territory included within the corporate limits, certain other territory.

H. 993. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Valley Head in DeKalb County.

H. 994. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hammondville in DeKalb County.

H. 1049. Relating to Blount County; amending Act No. 79-712, H. 782, 1979 Regular Session, providing for an expense allowance for members of the county board of education, so as to provide further for said expense allowance.

SPECIAL ORDER CALENDAR

The House then proceeded to the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to H. B. 693, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Clay, Curry, Dillard, Flowers, Freeman, Gaston, Gray, Grayson, Grouby, Hall,

Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marietta, Marks, Mathis, Mikell, Newton (C), Newton (D), Parker, Perdue, Petelos, Poole, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, White (F), White (L), Williams, Willis, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 693. Relating to the City of Florence; to provide for the establishment of a civic center; to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; and to authorize the municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the municipality.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Breedlove, Brooks, Bryant, Burke, Carothers, Clay, Colvin, Crow, Curry, Davis, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Logan, Marietta, Marks, Mathis, McClain, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Slaughter, Spratt, Starkey, Thomas, White (F), White (G), White (L), Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Hamilton Budget Isolation Resolution relating to H. B. 695, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Clay, Crow, Curry, Dillard, Freeman, Gaston, Goodwin, Gray,

Grayson, Hall, Headley, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Spratt, Starkey, Thomas, White (F), White (G), White (L), Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 695. Relating to Lauderdale County; authorizing the county commission to levy an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at a certain rate; to provide for the collection and payment of such tax and to provide for the distribution of the funds derived therefrom; to authorize the Lauderdale County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Lauderdale County Commission for the collection of said taxes.

Was taken up.

AMENDMENT OFFERED

Rep. Starkey offered the following amendment to the bill, H. 695:

On page 4, line 14, insert after the word "gasoline" the following language:
and motor fuels

On page 4, line 16, insert after the word "gasoline" the following language:
and motor fuels

On page 7, on line 34, after the language "general fund." insert the following:

Provided however, the proceeds of the tax received under authority of this act within the corporate limits of the City of Florence shall be distributed by the county in the following manner:

seventy-five percent (75%) of said taxes shall be distributed to the City of Florence, and

twenty-five percent (25%) of said taxes shall be distributed to the county general fund.

On page 8, line 8, delete the language "immediately upon" and insert in lieu thereof:

on the first day of the third month after

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AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Burke, Butler, Clay, Curry, Davis, Dillard, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Headley, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, White (F), White (G), White (L), Willis, Wright and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 695 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Clay, Colvin, Curry, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Logan, Marietta, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, White (F), White (G), White (L), Williams, Willis and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey Budget Isolation Resolution relating to H. B. 1031, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Clay, Colvin, Curry, Davis, Dillard, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Headley, Higginbotham, Holley, Johnson (RW), Knight, Logan, Marietta, Marks, Mathis, McClain, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos,

Poole, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, White (F), White (G), White (L), Willis, Wright and Zoghby.

—55

And the bill:

H. 1031. Relating to Cherokee County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Colvin, Curry, Davis, Dillard, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Headley, Higginbotham, Holley, Johnson (RW), Knight, Logan, Marietta, Marks, Mathis, McClain, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (F), White (G), Willis, Wright and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Butler Budget Isolation Resolution relating to H. B. 911, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Clay, Colvin, Curry, Davis, Dillard, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Headley, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Layson, Logan, Marietta, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), Willis, Wright and Zoghby.

—57

And the bill:

H. 911. Relating to the City of Madison in Madison County, Alabama; to authorize the City Council, by ordinance, to regulate blasting and the storage, keeping, hauling and use of explosives.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Clay, Colvin, Curry,

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Davis, Dillard, Freeman, Fuller, Gaston, Grayson, Hamilton, Hammett, Headley, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Layson, Logan, Marietta, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—61

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hall Budget Isolation Resolution relating to H. B. 1028, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Campbell, Clay, Curry, Davis, Dillard, Freeman, Fuller, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Marietta, Marks, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—59

And the bill:

H. 1028. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Madison County Commission to excavate human graves.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Curry, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marietta, Marks, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

BUDGET ISOLATION RESOLUTION

On motion of Rep. Freeman Budget Isolation Resolution relating to H. B. 921, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Clay, Curry, Davis, Dillard, Escott, Freeman, Gaston, Goodwin, Gray, Grayson, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marietta, Marks, Mathis, McClain, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, White (G), Willis, Wright and Zoghby.

—54

And the bill:

H. 921. Relating to Madison County; granting to the Madison County Commission the power by ordinance to regulate and prevent the running at large of dogs and to pass all ordinances necessary for the impounding and sale of such dogs and the destruction of such dogs.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Clay, Crow, Curry, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hamilton, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Logan, Marietta, Marks, McClain, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Sanderford, Spratt, Starkey, Thomas, Turnham, Venable, Walker, White (G), White (L), Willis and Wright.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Haynes Budget Isolation Resolution relating to S. B. 570, was adopted.

Yeas 55; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Clay, Curry, Davis, Dillard, Escott, Freeman, Gaston, Grayson, Hamilton, Higginbotham, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McClain, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue,

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Petelos, Poole, Sanderford, Seibels, Spratt, Thomas, Turnham, Venable, Walker, White (F), White (G), White (L), Willis and Zoghby.

—55

Nay: Rep. Crow.

—1

And the bill:

S. 570. Relating to Clay County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Was read a third time at length and passed.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Campbell, Carothers, Curry, Davis, Dillard, Escott, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hogan, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Spratt, Thomas, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker Budget Isolation Resolution relating to H. B. 857, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Campbell, Carothers, Clay, Curry, Davis, Dillard, Escott, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turnham, Venable, Walker, White (G), Willis, Wright and Zoghby.

—61

And the bill:

H. 857. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Campbell, Carothers, Clay, Colvin, Curry, Davis, Dillard,

Escott, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—62

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell Budget Isolation Resolution relating to H. B. 1019, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Campbell, Clay, Crow, Curry, Davis, Dillard, Escott, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Higginbotham, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—59

And the bill:

H. 1019. Relating to Calhoun County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide for the collection and disposition of a special indexing fee; and to provide said system shall constitute official and permanent records in Calhoun County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Campbell, Clay, Crow, Curry, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kvalheim, Laird, Logan, Marks, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Sanderford, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (F), White (G), White (L), Willis, Wright and Zoghby.

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J) Budget Isolation Resolution relating to H. B. 1020, was adopted.

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Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Clay, Davis, Escott, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Haynes, Higginbotham, Johnson (RG), Kvalheim, Laird, Marietta, Marks, Mathis, McClain, Mikell, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (F), White (G), White (L), Wright and Zoghby.

—60

And the bill:

H. 1020. Relating to Barbour County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Campbell, Carothers, Clay, Davis, Escott, Fuller, Goodwin, Gray, Grayson, Grouby, Haynes, Higginbotham, Johnson (RG), Knight, Laird, Marietta, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Wright and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hogan Budget Isolation Resolution relating to H. B. 1021, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Campbell, Clay, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter,

Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

And the bill:

H. 1021. Relating to Walker County; amending Sections 6 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) as amended, relating to the county civil service system, so as to provide further for the compensation of the members of the civil service board; and to provide for electronically recorded hearings and for transcripts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Campbell, Clay, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker Budget Isolation Resolution relating to H. B. 1023, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Campbell, Clay, Curry, Davis, Dillard, Escott, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Higginbotham, Johnson (RG), Knight, Kvalheim, Marks, Mathis, Mikell, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L), Wright and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1023. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax

shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians; to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Campbell, Clay, Curry, Davis, Dillard, Escott, Freeman, Gaston, Grayson, Hall, Hamilton, Higginbotham, Hill, Knight, Kvalheim, Logan, Marks, Mathis, McClain, Mikell, Newman, Newton (D), Parker, Payne, Perdue, Rogers, Sanderford, Slaughter, Spratt, Turner, Turnham, Venable, White (F), White (G), White (L), Wright and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker Budget Isolation Resolution relating to H. B. 1024, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Campbell, Clay, Crow, Curry, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Higginbotham, Hill, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—60

And the bill:

H. 1024. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Campbell, Clay, Crow, Curry, Davis, Dillard, Escott, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—62

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker Budget Isolation Resolution relating to H. B. 1025, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Campbell, Crow, Curry, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—63

And the bill:

H. 1025. (With Amendment): Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission;" to provide for the composition, officers and duties of the commission.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1025, Page 2, Section 4, Line 27, after the the word "of" by striking Morgan and inserting in lieu thereof the following:

Lawrence

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Clay, Crow, Curry, Davis, Dillard, Escott, Freeman, Goodwin, Grayson, Grouby, Hall, Harvey, Higginbotham, Hill, Hogan, Holley,

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Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—60

And the bill, H. 1025 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Clay, Crow, Curry, Davis, Dillard, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Harvey, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turnham, Venable, White (F), White (G), White (L), Williams and Willis.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker Budget Isolation Resolution relating to H. B. 1026, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Clay, Curry, Davis, Dillard, Escott, Freeman, Goodwin, Grayson, Grouby, Hall, Harvey, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, McClain, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Williams, Willis and Zoghby.

—57

And the bill:

H. 1026. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Clark (W), Curry, Davis, Dillard, Escott, Freeman, Goodwin, Grayson, Grouby, Hall, Harvey, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, McKee, Moon, Newman,

Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Williams, Willis and Zoghby.

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker Budget Isolation Resolution relating to H. B. 1027, was adopted.

Yeas 54; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Clark (W), Clay, Curry, Davis, Dillard, Escott, Freeman, Grayson, Grouby, Hall, Harvey, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Williams, Willis and Zoghby.

—54

And the bill:

H. 1027. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Clark (W), Clay, Curry, Davis, Dillard, Escott, Freeman, Fuller, Grayson, Grouby, Hall, Harvey, Higginbotham, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Williams, Willis and Zoghby.

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker Budget Isolation Resolution relating to H. B. 1029, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Clay, Curry, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Grayson,

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Grouby, Hall, Harvey, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Williams, Willis and Zoghby.

—53

And the bill:

H. 1029. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Clark (W), Curry, Davis, Dillard, Escott, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Harvey, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, McClain, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), White (L), Williams, Willis and Zoghby.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Amari:

S. 547. To expand the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home reform enforcement provisions of the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203 and any persons protection act by the 1989 Alabama Legislature are met.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 547. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Preuitt:

S. 637. Proposing an amendment to the Constitution of Alabama to restrict the levy and assessment of sales and use taxes in the City of Talladega, Talladega County and in the City of Childersburg, Talladega County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 637, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Figures and Windom (With Notice and Proof):

S. 642. Amending Act No. 80-164, H. 167, 1980 Regular Session, which supplements the salaries of the Circuit Judges of the Thirteenth Judicial Circuit in Mobile County, so as to increase said supplement.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 642, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 642. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Bedsole, Hale, and Dixon:

S. 32. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection

and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 32, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bennett:

S. 21. Relating to elections; to provide that certain counties shall conduct and complete purges of their voter registration lists by a certain date; to create and establish a state Voter Registration Advisory Board; to establish, operate and maintain a statewide voter registration file under a Director of Voter Registration as a service to county boards of registrars to assist them in updating their voter lists; to prescribe penalties for violations and to provide that this act shall be supplemental to existing election laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 21. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Figures:

S. 28. To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 28. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Manley:

S. 284. Relating to the standards for fiduciary investment and management by adding a new Section 19-3-120.2 to Title 19, Chapter 3, Code of Alabama 1975, so as to provide that standards for fiduciary investments and management to be that of a prudent person; that the propriety of an investment decision is to be determined by what a fiduciary knew or should have known at the time of the decision; that a fiduciary is entitled to rely in good faith upon the express provisions of a governing instrument; that a fiduciary may hold property received by it in an account at its inception or subsequently added to it and that such property may include stock in the fiduciary if a corporation and stock in any corporation controlling, controlled by or under common control with the fiduciary; that a court may permit a fiduciary to deviate from the terms of a governing instrument; and that the provisions of this Act apply to all fiduciary relations now existing or hereafter created; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 284. Banking.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. McDowell, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 945.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McDowell Budget Isolation Resolution relating to H. B. 945, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Clark (W),

Clay, Coburn, Davis, Dillard, Escott, Goodwin, Gray, Hamilton, Harvey, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (D), Payne, Penry, Petelos, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turnham, Venable, White (G), Willis and Zoghby.

—56

And the bill:

H. 945. To establish a procedure whereby a Class 5 municipality may adopt a mayor-council form of government; to provide for the election of a mayor and council members, the method of establishing salaries, certain duties and responsibilities; and to provide for the continuation of laws applicable to said cities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Coburn, Crow, Curry, Davis, Dillard, Escott, Gray, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Knight, Logan, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Payne, Penry, Petelos, Rogers, Sanderford, Spratt, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Coburn, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 497.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn Budget Isolation Resolution relating to H. B. 497, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clay, Coburn, Crow, Davis, Dillard, Drake, Escott, Ford, Frazier, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

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And the bill:

H. 497. To amend §§16-25-3 and 36-27-4, Code of Alabama 1975, which prohibits participation in the Teachers' or Employees' Retirement System

of Alabama by persons age 61 or older; to further provide that a member of the Teachers' Retirement System or the Employees' Retirement System who was prohibited from participating in his respective retirement system because such member was age 61 or older at the time of employment may purchase credit for such service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clay, Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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REPORT FILED

Pursuant to Act No. 84-775, First Special Session of the 1984 Legislature, Senator Bobby E. Denton, Chairman, and Rep. James E. Warren, Vice Chairman, submitted the report by the Joint Interim Committee on County Government, and the report was ordered filed.

MOTION TO RECESS

Rep. Crow offered the motion to recess from 6:00 o'clock p.m. to 7:30 o'clock p.m.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Holmes that the House adjourn until 11:00 o'clock a.m., Wednesday, April 26, 1989, was lost.

Yeas 30; Nays 56.

Yeas:

Reps. Black, Bowling, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Davis, Frazier, Fuller, Goodwin, Grouby, Harper, Haynes, Hogan, Holmes, Johnson (RW), McClain, McDowell, Newman, Newton (C), Seibels, Slaughter, Thomas, White (F) and Willis.

—30

Nays:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Brooks, Bugg, Burke, Butler, Cosby, Curry, Dillard, Drake, Flowers, Freeman, Gaston, Gray, Hall, Hamilton, Hammett, Harvey, Higginbotham, Hill, Holley, Johnson (RG),

Knight, Laird, Layson, Logan, Marietta, Marks, Mathis, McMillan, Mikell, Moon, Newton (D), Parker, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Wright and Zoghby.

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MOTION TO RECESS LOST

The question was then on the motion offered by Rep. Crow that the House recess from 6:00 o'clock p.m. to 7:30 o'clock p.m., and the motion was lost.

Yeas 42; Nays 44.

Yeas:

Mr. Speaker, Beasley, Black, Bowling, Box, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Cosby, Crow, Dillard, Flowers, Frazier, Fuller, Grouby, Harper, Harvey, Haynes, Higginbotham, Holmes, Johnson (RW), Mathis, McKee, Newman, Newton (C), Parker, Penry, Petelos, Rains, Sanderford, Slaughter, Thomas, Turnham, Walker, Warren and Wright.

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Nays:

Reps. Adams, Beers, Biddle, Blake, Blakeney, Bryant, Bugg, Clay, Davis, Drake, Escott, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Hill, Hogan, Holley, Johnson (RG), Laird, Layson, Logan, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newton (D), Payne, Poole, Richardson, Rogers, Seibels, Spratt, Starkey, Venable, White (F), White (G), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 570. Relating to Clay County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Buskey (JE), the rules were suspended in order to receive the call of Districts for the Introduction of Bills.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Willis (With Notice and Proof):

H. 1053. Relating to the City of Jacksonville in Calhoun County, to amend Act 2182, H. 2753 of the 1971 Regular Session (Acts of 1971, p. 3489) as last amended, pertaining to the Jacksonville Civil Service System, so as to alter the compensation of board members; to provide for the board's annual budget; and to alter the number of persons on an eligible list from which the appointing authority may select.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1053, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Newman (With Notice and Proof):

H. 1054. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1054, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Logan and Newman (With Notice and Proof):

H. 1055. Relating to Marion County; providing that any monies collected from the additional court costs levied by Act No. 85-933, H. 243, 1985 Second Special Session (Acts 1985, p. 235), and amendment thereto and Act No. 85-934, S. 216, 1985 Second Special Session (Acts 1985, p. 235) and paid to the clerk of the circuit court under the authority of such acts, shall be distributed to the Marion County department of human resources for deposit in a separate fund; and to provide that the interest derived from such monies shall be used for handicapped children in the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1055, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holmes (With Notice and Proof):

H. 1056. Providing further for publication of legal notices by Montgomery County, the City of Montgomery, or any agency of either political subdivision, so as to require that the advertising of such legal notices be placed in any paper having a certain circulation or cause the advertising to be null and void.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1056, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Crow, Willis, and Campbell (With Notice and Proof):

H. 1057. Relating to Calhoun County, Alabama; to authorize Calhoun County in the furtherance of the public health, safety and general welfare of the citizens of the county to engage in arranging for fire hydrants on and along all water mains of appropriate diameter in unincorporated areas of Calhoun County; to authorize Calhoun County to negotiate and enter into agreements, with any entity or entities owning or maintaining water mains or systems, as may be necessary to allow fire hydrants to be provided pursuant to the provisions of this act; to provide for the county's responsibility in regard to fire hydrants provided pursuant to this act; to authorize Calhoun County to establish and maintain special funds for the purposes of providing such fire hydrants and for the inspection and maintenance of such fire hydrants; to allow the investment by the county of funds so as to generate adequate income for the continued inspection and maintenance of fire hydrants provided pursuant to this act; to authorize Calhoun County to set the amount required for the purchase and installation of a fire hydrant and the amount necessary to provide for the continued inspection and maintenance of a fire hydrant; to require a person or legal entity desiring a fire hydrant to pay the county the amounts set by the county commission for its purchase and installation and its inspection and maintenance; to provide that all entities now or in the future providing water or water services within the boundaries of Calhoun County shall be required to make all purchases, and to do all installations, maintenance and servicing of fire hydrants, provided under the provisions of this act, for their usual and customary charges for such purchases and services; to authorize Calhoun County to levy and collect an inspection and maintenance fee should such become necessary; to require municipalities which are formed or which annex land with fire hydrants into their corporate limits to assume full responsibility for the continued inspection and maintenance of fire hydrants within such annexed or newly incorporated areas, or to provide for the adequate assumption of such responsibility; and to provide that the furnishing of fire hydrants pursuant to this act is a governmental function and to exempt Calhoun County from all tort liability in connection with the providing of fire hydrants pursuant to this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1057, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bowling:

H. 1058. To amend section 16-9-8, Code of Alabama 1975, which provides for the date that elected county superintendents take office, so as to provide further for said date.

Committee on Local Government.

By Reps. Turner and Box (With Notice and Proof):

H. 1059. Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 952), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1059, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McDowell, McClain, Rogers, Davis, White (G), Beers, and Newton (D):

H. 1060. To propose an amendment to Amendment 384 of the Constitution of Alabama of 1901, relating to an additional probate judgeship in Jefferson County, so as to provide for three probate judges in the county to be elected from districts; and to provide for redistricting after the federal decennial census in the year 2000 and after each subsequent census.

Committee on Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Reps. McDowell, McClain, Rogers, Davis, White (G), Beers, and Newton (D) (With Notice and Proof):

H. 1061. To propose an amendment to Amendment 384 of the Constitution of Alabama of 1901, relating to an additional probate judgeship in Jefferson County, so as to provide for three probate judges in the county to be elected from districts; and to provide for redistricting after the federal decennial census in the year 2000 and after each subsequent census.

Committee on Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

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I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1061, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Clay:

H. 1062. To provide that any adult may, without payment of tax, produce limited amounts of beer and wine for personal or family use and not for sale.

Committee on Ways and Means.

By Reps. Davis, Newton (D), Spratt, Clay, Rogers, McClain, White (G), Beers, Payne, Wright, Bryant, Flowers, Warren, Cosby, Ford, Bugg, Melton, Buskey (JL), Perdue, Newman, and Frazier:

H. 1063. To provide for the creation of the Alabama Boarding Home Commission; to provide for the membership and function of the Commission, its duties and authorities; and to provide for employees.

Committee on State Administration.

By Rep. Fuller:

H. 1064. To provide for a certain state income tax credit for employers that provide certain basic skills training and retraining programs for employees and to authorize the state department of revenue to promulgate and implement rules and regulations to carry out the purposes of this act.

Committee on Ways and Means.

By Reps. White (G) and Starkey:

H. 1065. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 1066. To provide for a transfer from the Departmental Emergency Fund to the Division of Rehabilitation and Crippled Children Services for the Hemophilia Program for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

RECESS

On motion of Rep. Burke, the house recessed from 6:00 o'clock p.m. to 7:30 o'clock p.m.

Yeas 41; Nays 35.

Yeas:

Mr. Speaker, Beasley, Black, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Colvin, Crow, Drake, Ford, Frazier, Gaston, Grouby, Harper, Haynes, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Marietta, Mathis, McKee, Melton, Moon, Newman, Parker,

Penry, Petelos, Sanderford, Slaughter, Thomas, Warren, White (F), White (L) and Willis.

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Nays:

Reps. Adams, Beers, Biddle, Blake, Brooks, Bugg, Clay, Cosby, Curry, Davis, Dillard, Escott, Gray, Hamilton, Hammett, Harvey, Higginbotham, Hill, Holley, Knight, Logan, Marks, McMillan, Mikell, Newton (D), Payne, Poole, Richardson, Rogers, Seibels, Spratt, Turner, Venable, White (G) and Wright.

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HOUSE RECONVENED

The hour of 7:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

SPECIAL ORDER RESUMED

And the bill:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to submit said Plan to the legislature not later than the fifth legislative day of the 1991 regular session; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act.

As amended and carried over on the eighteenth legislative day with substitute offered by Rep. Petelos was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the pending substitute to the bill, H. 275 as amended.

A BILL TO BE ENTITLED AN ACT

To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to create a Solid Waste Management Advisory Committee to advise on the development of said plan; to require cities and counties to develop and adopt comprehensive solid waste management plans with the assistance of the Department and the State's Regional Planning and Development Commissions; to require the Regional Planning and Development Commissions to develop a regional solid waste management needs assessment; to require the implementation of such plans; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act so that such plans can be developed and implemented.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Findings. The legislature finds that:

(a) The state, its subdivisions and the nation face an emerging crisis in solid waste management;

(b) Proper waste management is an increasingly complex issue involving the need for reducing the volumes of waste requiring disposal, properly managing wastes to reduce the likelihood of both short-term and long-term threat to human health and the environment, and assuring that adequate, environmentally secure, waste management and disposal facilities will be available at reasonable costs to accommodate wastes generated in the state;

(c) Provision for necessary systems, facilities, technology and services for solid waste management and resource recovery is a matter of important public interest and concern, and action taken in this regard will be for a public purpose and will benefit the public welfare;

(d) Solid waste management problems are potentially statewide in scope and necessitate state and local action through the development and implementation of comprehensive long-range plans for solid waste management which recognize the conditions in the state now and those which can be expected in the foreseeable future, and which serve to assure that the state as a whole and local jurisdictions in particular will meet their long-term solid waste management needs;

(e) Proper planning for solid waste management must include the evaluation of facility sites based on a broad group of factors including, but not limited to, environmental conditions, local needs for waste management, social and economic impacts on the host community, the availability and impact on public services, and the consistency of a proposed facility with any final solid waste management plan;

(f) Proper solid waste management planning also should provide leadership in the application of new and improved methods and processes to reduce the amount of solid waste that must be disposed of and to promote environmentally acceptable and economically sound solid waste management;

(g) The failure or inability to economically recover and recycle materials and energy resources from solid waste results in the unnecessary waste and depletion of natural resources;

(h) The landfill disposal of solid waste, even under the most ideal conditions, has the potential to create long-term pollution and environmental degradation;

(i) Current conditions and pending federal regulatory requirements likely will increase the costs of landfill disposal, prompt the closure of many landfills in the state and likely change the methods of solid waste management in the state away from the present system of management by individual cities and counties and toward the development of larger facilities which must be capable of meeting the needs of several jurisdictions. Given this evolving situation, the legislature concludes that a concerted solid waste management planning program is essential to address the imminent and future needs of the state;

(j) The absence of comprehensive planning will result in the random, haphazard siting of waste disposal services without relation to the actual needs of particular localities in the State, and therefore, to assure that the comprehensive planning required herein is most effective, the permitting of new facilities and the modification of permits for existing facilities should occur only after the comprehensive plans are in place. In the interim new permits or modifications should be issued only to prevent human health or

environmental threats in the particular jurisdiction in the State to be served by the facility;

(k) Publicly owned solid waste management facilities are public resources of limited and finite capacity which the state, as guardian and trustee for its people, has the right and the obligation to preserve for the present and future use of its people; and

(l) The state or local governments, by creating and operating solid waste management facilities are participants in the solid waste facility services market and have entered that market for the purpose of serving the citizens of this state.

Section 2. Legislative Purpose. The purpose of this act is to protect the public health and the State's environmental quality and to serve the public by recognizing the responsibilities of units of local government for the orderly management of solid wastes generated within their jurisdictions, and to require that decisions about the management of solid wastes shall be based on comprehensive local, regional and state planning. The terms and obligations of this act shall be liberally construed to achieve remedies intended.

Section 3. Legislative Intent. In furtherance of the policies and purposes set forth herein, it is the intent of this legislation:

(a) to develop an integrated system of planning for solid waste management in the state by local governments, regional planning commissions and the department;

(b) to put in place the necessary procedures so that an effective and integrated statewide network of solid waste management facilities may be planned, developed and operated for the benefit of the people of the state;

(c) to assure that solid waste management planning and implementation activities should, to the extent economically feasible, encourage:

(1) reduction of the amount of source waste generated;

(2) source separation and recycling; and

(3) waste processing such as the utilization of a waste-to-energy technology to reduce the volume of waste necessary for land disposal.

(d) to facilitate the siting of solid waste management facilities as required to meet present and projected state and local needs;

(e) to facilitate the reduction of solid waste volumes within the state;

(f) to foster and encourage recycling of solid wastes as an alternative to disposal;

(g) to assure public involvement in the development and implementation of plans for the management of solid wastes;

(h) to encourage private industry to continue to play a key role in the state's solid waste management programs;

(i) to assure that solid waste management facilities and services are provided to state residents in a manner which assures their availability at reasonable costs; and

(j) to assure that the creation, licensing, and operation of landfill solid waste disposal facilities should be limited to what is reasonably required to service the needs of the inhabitants and businesses of this state, having regard for alternative technologies for waste reduction, management and disposal.

Section 4. Definitions. All terms used in this act shall be defined as such terms are defined in Section 22-27-2. Code of Alabama 1975, as amended.

Section 5. Solid Waste Management Advisory Committee. There is hereby created an eleven member Solid Waste Management Advisory Committee to advise on the development of the Solid Waste Management Plan. The Committee members shall be named as follows: two representatives designated by the governor who shall be private citizens and who shall have been residents of the state for at least two years; two representatives designated by the State Health Officer; two representatives designated by the Board of Directors of the Association of County Commissions of Alabama; two representatives designated by the Board of Directors of the Alabama League of Municipalities; one member of the Alabama Environmental Management Commission selected by the Commission; one representative from the Alabama Chapter of the Government Refuse Collection and Disposal Association selected from its membership by its Board of Directors; and the Chairman of the Committee who shall be the Chief of the Solid Waste Branch of the Department of Environmental Management. Said Committee shall meet as necessary and shall advise the Director of the Department of Environmental Management regarding the general development of the Solid Waste Management Plan and about such other specific matters as he shall bring to the Committee's attention. Committee members shall serve without pay, but shall be reimbursed by the department for their actual expenses.

Section 6. State Solid Waste Management Plan.

The Director of the Alabama Department of Environmental Management, with the advice and consultation of the Solid Waste Management Advisory Committee, is directed to prepare a State Solid Waste Management Plan. In developing the state plan, the department will seek to achieve the following goals:

(1) That solid waste facilities and management systems are provided for in an orderly manner consistent with the needs and plans of the state and its regions and local governments;

(2) That alternative methods of solid waste management are encouraged as a means of reducing the state's dependence on landfilling.

(3) That all aspects of local, regional and state planning, zoning, population estimates, and economics are taken into consideration; and

(4) That appropriate time schedules are set for the phasing in of the required component parts of the system. Said plan shall be developed in two phases:

(a) The first phase of the plan shall be developed prior to the development of the local plans required herein and shall serve as a guide for the local plans. Within 180 days of the effective date of this act, the department shall complete the first phase of the plan which shall, at a minimum:

(1) Summarize, using available information, the number, location, current usage, and life expectancy of all permitted solid waste management

facilities in the State including without limitation all landfills, sanitary landfills, incinerators, transfer stations, processing facilities and resource recovery facilities;

(2) Estimate, using acceptable averaging methods, the general volumes of solid waste expected to be generated in the state per year. After approval of all local plans as provided elsewhere herein, revise and periodically amend these estimates to reflect conditions as reflected in approved local plans;

(3) Establish objectives, methods and goals to encourage solid waste reduction, recycling, reuse, and minimization, such objectives to include proposed regulations or legislation to implement a statewide goal of a twenty-five percent waste reduction and recycling program;

(4) Identify alternative means to provide for waste management and disposal capacity assurance within the State;

(5) Establish criteria to be used by local governments for the identification of potential locations for solid waste management facilities in the jurisdiction or region.

Such criteria shall at a minimum require consideration of the following:

1. The unit of local government's solid waste management needs as identified in its plan;

2. The relationship of any potential location to planned or existing development or the absence thereof, to major transportation arteries and to existing state primary and secondary roads;

3. The relationship of any potential location to existing industries in the jurisdiction or state that generate large volumes of solid waste, or the relationship to areas projected by the state or the local regional planning and development commission for development of industries that will generate large volumes of solid waste;

4. The costs and availability of public services, facilities and improvements which would be required to support a facility in this location and protect public health, safety and the environment;

5. The potential impact a facility in any potential location would have on public health and safety, and the potential that such locations can be utilized in a manner so as to minimize the impact on public health and safety; and

6. The social and economic impacts that any proposed location would have on the affected community, including changes in property values and social or community perception.

(6) Develop forms for use by local governments in completing their own plans.

(b) The second phase of the plan shall be developed as the individual plans of local governments are approved by the department. It shall be the purpose of this phase to incorporate the local plans and to develop a final master plan for solid waste management in the state. This phase shall, at a minimum:

(1) Revise all estimates and summaries contained in the first phase of the state plan to reflect information contained in the approved local plans;

(2) Based on estimates of need as developed herein, project waste volume capacity needs annually for a ten year period for the state and for each regional planning commission region and each county therein;

(3) Based on the information developed in other parts of the plan, estimate and periodically revise said estimate of the number and type of solid waste management facilities which may be required to serve the future needs of the state and its local governments.

(4) Encourage alternative management techniques for solid wastes;

(5) Encourage the state's city and county jurisdictions to combine their efforts to manage solid wastes more efficiently;

(6) Evaluate existing service areas and evaluate the option of developing waste flow controls within the state;

(7) Develop policies and serve as a source of information for local jurisdictions regarding changing conditions in solid waste management;

(8) Make such other determinations and recommendations as the Director shall deem necessary or appropriate in keeping with the findings and purposes of the legislature set forth herein.

(c) Generally, the state's solid waste management plan shall be subject to amendment and periodic revision. Each periodic revision of the solid waste management plan may include:

(1) A revised estimate of solid waste generation and disposal in the state projected for a 10-year period.

(2) The total amounts of solid waste generated, recycled, and disposed of, and the methods of solid waste recycling and disposal used during the calendar year prior to the year in which the plan is revised.

(3) An evaluation of the development and implementation of local solid waste management programs and county and municipal recycling programs.

(4) An evaluation of the success of each county or group of counties in meeting the local solid waste reduction goals.

(5) Recommendations concerning existing and potential programs for solid waste reduction and recycling that would be appropriate for local governments and state agencies to implement to meet the requirements of this act.

(6) An evaluation of the markets for recycled materials and the success of state, local, and private industry efforts to enhance the markets for such materials.

(7) Recommendations to the Governor and the Legislature to improve the management and recycling of solid waste in this state.

(d) At the completion of each phase of development of the state solid waste management plan and each subsequent revision, the plan, as revised shall be adopted by the department as a final regulation in accord with applicable statutory procedures.

Section 7. Regional Planning and Development Commissions. (a) Not later than six months from the effective date of this act, each regional

planning and development commission in the state shall prepare and adopt a regional needs assessment evaluating solid waste management needs in their respective regions. This regional needs assessment shall be submitted to the department for information and review and shall be considered by units of local government within the region in the development of their individual plans as required herein. Thereafter, the assessment shall be revised and submitted to the department and local governments in the region annually. The regional needs assessment shall include, at a minimum, the following:

- (1) An evaluation of the amount of solid waste generated within the region and the amount of remaining disposal capacity, expressed in years, at each solid waste disposal facility within the region;

- (2) An evaluation of the needs of all localities within the district as to the adequacy or inadequacy of solid waste collection, transportation and disposal within those localities;

- (3) A projection of the expected population and business growth in the region, including specific estimates of the types of businesses which may be entering and leaving the region and the resulting impact such changes will likely have on waste volumes generated in the region;

- (4) An evaluation of the environmental, economic and other relevant factors which would be implicated by acceptance of solid waste from beyond the boundaries of the region.

(b) In addition to the development of and periodic revision of an assessment of the region's solid waste management needs, each regional planning commission shall:

- (1) Evaluate, as necessary, the solid waste management needs of all local governments within their regions;

- (2) Formulate, as requested, recommendations to local governments on solid waste management issues including the feasibility of joint efforts within the region acting to develop and operate a solid waste management or disposal facility and foster cooperation on such matters.

- (3) Provide, upon request, assistance to local governments within the region to formulate their own plans for evaluating needs and providing adequate solid waste management within their jurisdictions; and

- (4) Serve as a clearinghouse for local governments in the region regarding solid waste management information.

Section 8. Local Plans Required. (a) Each county and any municipality as described below shall submit to the department, within one and one-half years of the effective date of this act, a plan for the management of solid waste generated within its boundaries. A county's plan shall include the municipal jurisdictions within its boundaries except that any municipality may choose to submit its own solid waste management plan intended for implementation within its city limits and thereby be excluded from its county plan. Cities which do not choose to exclude themselves from their county's plan shall be responsible to share in the county's costs proportionately on a per capita basis. The content of all plans shall be consistent with the requirements of this act and every plan shall not become final until it has been officially adopted and approved pursuant to the requirements of this

act. In the event a county or city does not submit a required plan or if said plan does not meet the minimum requirements set out in this act, the department shall prepare the plan which shall serve as the official county or city plan.

(b) Each plan shall at a minimum:

(1) Describe and explain the general origin, and weight or volume of solid waste currently generated within the jurisdiction's boundaries. For purposes of this estimate the jurisdiction may use such information as is reasonably available, or may use accepted methods of estimation recommended by the department;

(2) Identify current methods of collection and haulage of solid waste within the jurisdiction;

(3) Identify and describe the facilities where solid waste is currently being disposed or processed and the remaining available permitted capacity of such facilities and the capacity which could be made available through the reasonable expansion of such facilities. The plan shall also explain the extent to which existing facilities will be used during the life of the plan and shall not substantially impair the use of their remaining permitted capacity;

(4) Provide a description of current or planned recycling programs and an analysis of their impact on waste generated within the jurisdiction. Particularly regarding recycling, the plan shall describe and evaluate:

(i) Potential benefits of recycling, including the potential solid waste reduction and the avoided cost of municipal waste processing or disposal.

(ii) Existing materials recovery operations and the kind and weight or volume of materials recycled by the operations, whether public or private.

(iii) The compatibility of recycling with other waste processing or disposal methods used in the jurisdiction including methods of collecting recyclables.

(iv) options for cooperation or agreement with other jurisdictions for the collection, processing and sale of recyclable materials.

(5) Address the requirements proposed under Subtitle D of the federal Resource Conservation and Recovery Act, 42 U.S.C. Section 6941 as amended and identify and explain those actions the jurisdiction should take to assure proper management of its wastes under these requirements;

(6) Propose procedures for the identification and elimination of unauthorized dumps in the jurisdiction;

(7) Describe and explain the general origin and weight or volume of solid waste reasonably expected to be generated within the jurisdiction annually during the next ten years. The assessment shall describe the primary variables affecting this estimate and the extent to which they can reasonably be expected to affect the estimate.

(8) Provide for the development or expansion of solid waste management systems in a manner that is consistent with the needs of the area, taking into account planning, zoning, population and development estimates, and

economics of the jurisdiction and the protection of air, water, land and other natural resources.

(9) Identify any current agreements between the jurisdiction and other units of local government or public authorities for the joint use of solid waste processing or disposal facilities and evaluate the need for and feasibility of entering joint agreements in the future.

(10) Identify any current contractual agreements with private entities for the collection, processing or disposal of solid waste and evaluate the need for and feasibility of entering into such agreements in the future;

(11) Identify the general location within a county where solid waste processing or disposal facilities and recycling programs may be located, and identify the site of each facility if a site has already been chosen. In identifying general locations for facilities in the plan, each jurisdiction shall consider at least the following:

(i) The jurisdiction's solid waste management needs as identified in its plan.

(ii) The relationship of the proposed location or locations to planned or existing development, to major transportation arteries and to existing state primary and secondary roads;

(iii) The relationship of the proposed location or locations to existing industries in the jurisdiction or state that generate large volumes of solid waste and to the areas projected by the state or local regional planning and development commission for development of industries that will generate solid waste;

(iv) The costs and availability of public services, facilities and improvements which would be required to support a facility in this location and protect public health, safety and the environment;

(v) The potential impact a facility in the proposed location or locations would have on public health and safety, and the potential that such locations can be utilized in a manner so as to minimize the impact on public health and safety; and

(vi) The social and economic impacts that a facility at the proposed location would have on the affected community, including changes in property values, community perception and other costs;

(12) For any facility expected to serve the jurisdiction's future needs that is located or is proposed to be located outside the jurisdiction, the plan shall explain in detail the reasons for selecting such a facility.

(13) The plan shall include such other information as the department may require by regulation.

(c) Counties may, by agreement with other counties, combine in the development of a joint solid waste management plan.

(d) The department and the local regional planning and development commission shall, upon request, provide assistance to any county or municipality in the development of their local plan.

(e) The plan shall be completed on forms provided by the department and in accordance with the provisions of this act and any regulations promulgated by the department.

(f) Prior to final adoption or amendment of a plan, the jurisdiction shall afford the public an opportunity to present data, views and arguments thereon, orally or in writing. The public comment period shall be no less than thirty days in length and shall include at least one public hearing. Notice of the public comment period shall be published at least once in a newspaper of general circulation in the jurisdiction and in the official gazette, if any, in the jurisdiction. Notice of the inclusive dates of the public comment period and the date of the public hearing may be combined in the same publication. Notice of the time and place of the public hearing shall be published at least 30 days, but not more than 45 days prior to the date of said hearing. Any published notice shall contain a brief description of the proposed plan, and shall identify a location where copies of the plan shall be available for inspection during normal business hours, and shall also identify a contact person from whom interested persons can obtain additional information or copies of the proposed plan. The plan, including any revisions, subsequently submitted for adoption shall be accompanied by a document containing written responses to comments made during the comment period.

(g) The governing body of the jurisdiction shall adopt the final plan within 60 days from the end of the public comment period at an official business meeting open to the public.

(h) Upon completion and adoption of the local plan, it shall be submitted to the department of review and approval. Within 30 days after receiving a complete plan, the department shall approve, conditionally approve or disapprove it, unless the department gives written notice that additional time is necessary to complete its review. If the department gives such notice, it shall have 30 additional days to render a decision. The department shall approve any local plan that demonstrates to the satisfaction of the department that:

(1) The plan is complete and accurate and consistent with this act and regulations promulgated hereunder.

(2) The plan provides for the processing and disposal of municipal waste in a manner that is consistent with the requirements of the Solid Waste Management Act and the regulations promulgated pursuant thereto.

(3) The plan provides for the processing and disposal of local waste for at least ten years.

(i) Each county and municipality with an approved solid waste management plan shall submit a revised plan to the department in accordance with the requirements of this act:

(1) At least three years prior to the time all remaining available permitted capacity for the jurisdiction will be exhausted, or

(2) When otherwise required by the department.

Section 9. Implementation of Plans. (a) In addition to any regulatory bodies, the governing body of a county or municipality has a responsibility for and the authority to assure the proper management of solid wastes generated within its jurisdiction in accord with its solid waste management

plan. A governing body may assign territories and approve or disapprove disposal sites in its jurisdiction in accord with the plan approved for its jurisdiction. Such approval or disapproval of services or activities described in the local plan shall be in addition to any other approvals required from other regulatory authorities and shall be made prior to any other approvals necessary for the provision of such services, the development of a proposed facility or the modification of permits for existing facilities. The department may not consider an application for a new or modified permit for a facility unless such application has received approval by the affected unit of local government having an approved plan.

In determining whether to recommend approval of the proposed issuance of or modification of a new or existing solid waste management site, the governing body shall consider each of following:

1. The consistency of the proposal with the jurisdiction's solid waste management need as identified in its plan.
2. The relationship of the proposal to local planned or existing development or the absence thereof, to major transportation arteries and to existing state primary and secondary roads;
3. The location of a proposed facility in relationship to existing industries in the state that generate large volumes of solid waste, or the relationship to the areas projected for development of industries that will generate solid waste;
4. Costs and availability of public services, facilities and improvements required to support a proposed facility and protect public health, safety and the environment;
5. The impact of a proposed facility on public safety and provisions made to minimize the impact on public health and safety; and
6. The social and economic impacts of a proposed facility on the affected community, including changes in property values, and social or community perception.

The application of the plan for local approval shall not apply to simple renewals of a permit which is to be otherwise unchanged. Further, there shall be no requirement for local review and approval of permit modifications for the limited purposes of changing liner and leachate collection design, changes in waste streams from within the facility's designated service area, changes in sequence of fill, changes to incorporate new technology and changes intended to bring a facility into compliance with statutes and regulations.

Any determination by the local governing body of the proposed issuance of or modification of a permit for a new or existing solid waste management site or the proposal to contract for any services described in the solid waste management plan, shall be made in a public meeting only after public notice of such application or proposal and an opportunity for public comment is provided.

In providing public notice of any application or proposal regarding any services described in the solid waste management plan, the local government shall at a minimum hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any,

of the jurisdiction. Furthermore, such notice shall be given at least 30 days but not more than 45 days prior to the proposed date of said hearing. Each notice published in compliance with this section shall contain at a minimum a description of the proposed action to be considered, its relevance to and consistency with the local solid waste management plan and shall identify a contact person from whom interested persons can obtain additional information and can review copies of both the local plan and the application or proposal to be considered. All pertinent documents shall be available for inspection during normal business hours at a location readily accessible to the public.

(b) Following local review and approval of any proposal regarding services or activities described in the local solid waste management plan, the applicant shall obtain a statement of consistency from the regional planning and development commission. Therein, the said commission shall evaluate the proposal using the provisions of the current regional solid waste management needs assessment. In particular, the regional commission shall evaluate the proposal as it relates to available existing capacity within the region and the projected lifetime of such capacity. The evaluation shall also identify any proposed capacity which is in excess of expected regional needs. No statement of consistency shall be required for contracts exclusively for the collection or transportation of solid wastes.

Section 10. Moratorium on Issuance of Permits. For the purpose of evaluating solid waste management problems facing the state and to allow for the development of comprehensive plans to identify and provide for the state's solid waste management needs, there is hereby imposed a moratorium on the issuance by the Department of Environmental Management of any new or modified permits or transfers of existing permits for solid waste management facilities which receive or are intended to receive wastes not generated by the permittee. Said moratorium shall not apply to industrial landfills receiving waste generated in state only by the permittee. Modifications for the limited purposes of changing liner and leachate collection design, changes in waste streams from within the facility's designated service area, changes in sequence of fill, and changes to incorporate new technology, or changes intended to bring a facility into compliance with statutes and regulations are specifically excluded from this moratorium. Said moratorium shall continue for a period of 24 months from the effective date of this act or until the completion and adoption of the comprehensive state and local solid waste management plans required herein, whichever occurs first. The Director is hereby authorized to waive the limitation imposed by this moratorium for a particular facility upon a finding based upon a recommendation by the State Health Officer and accompanied by a resolution from the host government. The request for waiver shall be initiated by resolution of the governing body of the jurisdiction which recognizes a potential crisis in solid waste management in the jurisdiction unless a permit application or modification for a facility intended to serve the area is approved. Said resolution shall be adopted at a public meeting of the governing body following publication of at least one notice in a newspaper of general circulation in the area at least ten days prior to the meeting. Said resolution shall request the State Health Officer to determine if the situation poses a threat to human health or the environment within the jurisdiction. In the event the State Health Officer so certifies, the moratorium may be waived and the Director may issue a permit or modification for the limited purpose of serving the

jurisdiction or jurisdictions identified in the State Health Officer's certification.

Section 11. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Petelos offered the following substitute to the substitute offered by Rep. Holley to the pending substitute to the bill, H. 275 as amended:

A BILL TO BE ENTITLED AN ACT

To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to submit said plan to the Legislature not later than the fifth legislative day of the 1991 regular session; provides for local governmental approval for certain solid waste management facilities, and to place a twenty-four (24) month moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities which receive solid waste generated off site, except for certain industrial landfills and except for those facilities which accept or propose to accept solid waste generated solely in the State of Alabama and counties which are contiguous to the State of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds that:

(a) The State faces an emerging crisis in solid waste management;

(b) Other states which have ignored the problem of solid waste management now are paying extraordinary costs for waste management and disposal;

(c) Proper waste management is an increasingly complex issue involving the need for reducing the volumes of waste requiring disposal, properly managing wastes to reduce the likelihood of both short-term and long-term threat to human health and the environment, and assuring that adequate, environmentally secure, waste management and solid waste management facilities will be available at reasonable costs to accommodate wastes generated in the state;

(d) Proper waste management requires long-term planning and assurance of adequate statutory and regulatory authority to meet present and future solid waste management problems;

(e) Proper waste management must include the evaluation of facility sites based on a broad group of factors including, but not limited to, environmental conditions, social and economic impacts on the host community, the availability and impact on public services, and the consistency of a proposed facility with any final solid waste management plan.

(f) Waste collection and disposal services, historically provided by local governments in this state, are increasingly being provided by private entities. This shift from public to private control of these essential public services raises a wide range of new and important regulatory questions. These questions should be addressed before major changes in the provision and availability of these services occurs.

(g) The State should act to assure that waste management services are always available to the state's citizens at a fair and reasonable cost related to the actual cost of operation of the waste management facility.

(h) The state should begin immediately to develop a comprehensive plan for solid waste management recognizing the conditions in the state now and those which can be expected in the foreseeable future in view of emerging conditions and the experiences of other states concerning solid waste management;

(i) Any state Solid Waste Management Plan should include, at a minimum, an identification of existing and foreseeable issues of solid waste management, and identification or development of proposed or alternative legislative remedies needed to assure adequate regulatory control over solid wastes and their management in the state;

(j) To assure that a State Solid Waste Management Plan is most effective, the permitting of new facilities should occur only after the Plan is in place. In the interim, new permits or modifications should be issued only to prevent human health or environmental threats in the area of the State served by the facility.

Section 2. All terms used in this ACT shall be defined as such terms as are defined in 22-27-2 Code of Alabama 1975, as amended, and the regulations promulgated thereunder.

Section 3. The Director of the Alabama Department of Environmental Management, with the advice of the Alabama State Department of Public Health, is requested to prepare a State Solid Waste Management Plan that shall, at a minimum:

(a) Summarize the number, location, current usage, and life expectancy of all permitted solid waste management facilities in the State where such term shall mean all landfills, sanitary landfills, incinerators and resource recovery facilities;

(b) Establish objectives to encourage solid waste reduction, recycling, reuse, and minimization and recommend methods for implementing those objectives;

(c) Identify existing and foreseeable problems with solid waste management in the state and recommend legislative solutions;

(d) Identify major problems other states have experienced in the management of solid waste;

(e) Identify alternatives to provide for disposal capacity assurance within the State;

(f) Propose restrictions on the types of solid wastes disposed of by landfilling based on potential harm to ground and surface waters of the State and for which alternative management methods are available;

(g) Summarize State regulations establishing criteria for the location, operation and long-term maintenance of solid waste management facilities;

(h) Summarize federal requirements and proposals regarding solid waste management;

(i) Recommend specific legislative action to revise completely the existing Solid Wastes Disposal Act, Section 22-27-1 through 22-27-7, inclusive, Code of Alabama, 1975, as amended, to reflect the need for comprehensive regulatory control over solid waste management and disposal, to assure the availability of adequate management capacity for solid waste generated in the State, to assure that solid waste management facilities shall be constructed, operated and permanently maintained in a manner which shall minimize impact on human health and the environment, to propose a schedule of fees to recover the costs of regulatory programs concerning solid waste management facilities, and to address such other problems as the Director shall deem necessary in view of the information compiled in the other portions of the Solid Waste Management Plan, or from the experiences of the Department of Environmental Management in administering the Solid Wastes Disposal Act;

(j) Propose recommendations to regulate the transfer of solid waste management facility permits; and

(k) Make such other determinations and recommendations as the Director shall deem necessary or appropriate in keeping with the findings of the legislature set forth herein.

Section 4. The Director shall prepare and submit to the Legislature such State Solid Waste Management Plan not later than the fifth legislative day of the 1991 regular session.

Section 5. Local Approval of Solid Waste Management Facilities—

(A) Except as provided herein, the state shall retain jurisdiction over standards applicable to siting, design, construction, operation and regulation of the disposal of solid waste and no subordinate political subdivision of this state shall enact, pass or otherwise approve any ordinance or other regulatory measure regulating or purporting to regulate any activity pertaining to the siting, licensing or regulation of solid waste. Except as provided herein, nothing contained herein shall be construed to deny such local body authority over the siting of solid waste management facilities pursuant to any duly enacted and legally administered general and comprehensive land use or zoning plan.

(B) All applications for solid waste management facilities which are submitted to the Department shall contain the following verified information and certifications:

(1) that the service area for the proposed solid waste management facility is limited to the acceptance of solid waste generated: (a) solely from sources within the State of Alabama; or (b) solely from sources within the State of Alabama and from counties contiguous to the State of Alabama;

(2) that the proposed solid waste management facility shall maintain adequate disposal capacity for the duration of the permit for solid waste generated by the county or municipality in which the facility is located; and

(3) that at the time of the submission of the permit application, the operator of the proposed facility:

(a) has entered into an agreement with the county or municipality in which the facility is to be located which contains approval by such county or municipality of the proposed disposal facility's service area, an agreement that the proposed facility shall maintain adequate disposal capacity for the county or municipality during the term of the agreement, the proposed disposal facility's hours of operation and days of operation, and a schedule of rates and rate increases that shall apply to such county or municipality during the term of the agreement; or

(b) is collecting a minimum of fifty (50) tons per day of solid waste generated solely within the county or municipality in which the proposed facility is to be located.

(c) In the event an application for a solid waste management facility fails to contain the verified information and certifications required in Section 5(B) above, such application for a solid waste management facility shall be required to submit evidence of approval of the application by the county or municipality in which the proposed solid waste management facility is to be located. Such county or municipality shall approve or deny any such application for solid waste management facility within one hundred twenty (120) days following its submission. Such county or municipality shall conduct a public hearing within ninety (90) days of the submission of such application for solid waste management facility to determine whether to approve or disapprove of such application. In making such determination, such county or municipality shall consider the following criteria:

1. The general volume of solid waste which has been generated in such county or municipality on an annual basis for a period of ten (10) years;

2. An estimate, using acceptable averaging methods, of the general volumes of solid waste expected to be generated by such county or municipality during the term of the proposed permit;

3. The relationship of any proposed solid waste management facility to any existing development, to transportation arteries and to existing state primary and secondary roads; and

4. The ability of any proposed solid waste management facility to adequately and safely dispose of solid waste generated within such county or municipality.

(D) Where the county or municipality where the proposed solid waste management facility is to be located has adopted general land use planning and zoning ordinances, each person or entity applying for a permit for the siting or horizontal expansion (i.e., an expansion of a landfill involving additional land) of a solid waste disposal facility shall seek and obtain such land use or zoning approval from such county or municipality.

1. Upon receipt of such zoning application, the county or municipality shall immediately notify the Director of the date, location, and applicant for the solid waste management facility. Within ninety (90) days after such county or municipality receives the applicant's request, the county or municipality shall take action to approve or deny the applicant's request.

2. If the county or municipality fails to notify the Director of its disapproval of such request within such ninety (90) day period, the application shall be deemed approved by such county or municipality.

3. The county or municipality shall give top priority to the application and approve the applicant's request for a solid waste management facility or the expansion of an existing solid waste management facility unless it makes a finding that the proposed solid waste management facility or a horizontal expansion (i.e., an expansion of a landfill involving additional land) thereof conflicts with existing comprehensive land use plan, which plan must: (a) have been in effect at least twenty (20) months prior to the submission by the applicant of the permit or permit modification for a solid waste management facility; and (2) have been enacted, adopted and applied in accordance with applicable law and ordinances.

(E) Any solid waste management facility that on the effective date hereof, is already operating, permitted and/or which has previously received necessary county or municipality approval, and seeks a permit modification shall not be subject to local approval of any kind whatsoever and shall be within the sole province of the Department.

(F) Permit modifications providing vertical expansions of Sanitary Landfills that do not necessitate the additional of previously unpermitted real property shall not be subject to county or municipality approval of any kind whatsoever and shall be within the sole province of the Department.

(G) The requirements contained in this section shall not apply to industrial landfills receiving waste generated by the permittee in the State of Alabama or which is generated by the permittee in counties contiguous to the State of Alabama.

Section 6. For the purpose of evaluating solid waste management problems facing the state, including enacting comprehensive revisions to the Solid Wastes Disposal Act, and implementation of regulations thereunder, there is hereby imposed a moratorium on the issuance by the Department of Environmental Management of any new or modified permits for solid waste management facilities which receive or are intended to receive wastes generated off the permitted site. Modifications for the limited purposes of changing liner and leachate collection design, changes in waste streams from within the facility's designated service area, changes in sequence of fill, and changes to incorporate new technology, or changes intended to bring a facility into compliance with statutes and regulations are specifically excluded from this moratorium. Said moratorium shall continue for a period of 24 months from the effective date of this Act. Said moratorium shall not apply to industrial landfills receiving waste generated by the permittee in the State of Alabama or in counties contiguous to the State of Alabama. Said moratorium shall not apply to those solid waste management facilities which have applied for or shall apply for new or modified permits to accept solid waste which is generated: (a) solely from sources in the State of Alabama; or (b) solely from sources within the State of Alabama and from counties contiguous to the State of Alabama.

Section 7. Nothing contained in this Act shall be deemed to repeal any Solid Waste Disposal Authority enacted pursuant to law by a municipality or county.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Rep. Holley, the substitute to the substitute to the pending substitute to the bill, H. 275 as amended, was tabled.

Yeas 50; Nays 38.

Yeas:

Reps. Adams, Beers, Blake, Blakeney, Breedlove, Brooks, Bugg, Butler, Clay, Cosby, Crow, Curry, Dillard, Frazier, Freeman, Fuller, Gaston, Gray, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Holley, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Moon, Newton (C), Payne, Penry, Poole, Rains, Richardson, Sanderford, Starkey, Turner, Turnham, Venable, White (G), Willis and Wright.

—50

Nays:

Mr. Speaker, Beasley, Biddle, Black, Bowling, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Colvin, Davis, Flowers, Ford, Grayson, Grouby, Hall, Harper, Haynes, Hogan, Holmes, Hooper, Johnson (RW), Mathis, McClain, McDowell, Newman, Parker, Petelos, Rogers, Slaughter, Thomas, Warren, White (F), White (L), Williams and Zoghby.

—38

The question was then on the adoption of the substitute offered by Rep. Holley to the bill, H. 275 as amended, and to the pending substitute, and the substitute was adopted.

Yeas 74; Nays 17.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Breedlove, Brooks, Bugg, Burke, Butler, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—74

Nays:

Mr. Speaker, Box, Buskey (JE), Buskey (JL), Campbell, Grayson, Harper, Holmes, Mathis, McClain, McDowell, Melton, Perdue, Petelos, Rogers, Thomas and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 164. To make an appropriation of \$10,000 from the Alabama Special Educational Trust Fund to the Alabama Youth Legislature for the fiscal year

ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 182. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 164. To make an appropriation of \$10,000 from the Alabama Special Educational Trust Fund to the Alabama Youth Legislature for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 182. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 275 RESUMED

And the bill:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to create a Solid Waste Management Advisory Committee to advise on the development of said plan; to require cities and counties to develop and adopt comprehensive solid waste management plans with the assistance of the Department and the State's Regional Planning and Development Commissions; to require the Regional Planning and Development Commissions to develop a regional solid waste management needs assessment; to require the implementation of such plans; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid

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waste management facilities for 24 months after the effective date of this act so that such plans can be developed and implemented.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 6.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clay, Colvin, Cosby, Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

Nays:

Reps. Buskey (JE), Buskey (JL), Grayson, Holmes, Perdue and Rogers.

—6

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 177, without the Governor's signature and with a suggested Executive Amendment.

Done this 25th day of April, 1989.

Respectfully submitted,

HOLMAN HEAD,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 177, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 177:

Please amend House Bill No. 177 by making the following changes:

(1) Page 1, lines 28-30 and page 2, lines 1-5, by deleting the following language:

“three (3) members appointed as follows: The current representative serving in the Alabama House of Representatives District 22 shall appoint

one (1) member for a term of four (4) years; the current representative serving in the Alabama House of Representatives District 23 shall appoint one (1) member for a term of five (5) years; the current senator serving in the Alabama Senate District 8 shall appoint one (1) member for a term of six (6) years.", and insert in lieu thereof the following:

"three (3) members appointed as follows: the legislative delegation representing Jackson County shall jointly appoint two (2) members, one member for a term of four (4) years, and one member for a term of five (5) years; the Jackson County Commission shall appoint a third member for a term of six (6) years."

(2) On page 7, line 26, after the designation "Section 10.," insert the following language: "All books, records, maps, documents, and papers of the Racing Commission shall constitute public records, and be available for copying, examining and inspecting during all normal business hours by any agency, official, or person."

(3) On page 17, line 33, after the word "effect.," insert the following language: "However, even if the majority of the votes cast in the entire county are "YES," no license shall be issued to operate a greyhound race track facility within the limits of any Jackson County municipality where, in such referendum, the majority of the votes cast within that municipality were "NO"."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 25th day of April, 1989.

Respectfully,

GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Richardson, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 177, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 49; Nays 33.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Bowling, Box, Breedlove, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Colvin, Cosby, Ford, Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Harper, Haynes, Headley, Higginbotham, Holmes, Hooper, Johnson (RW), Kvalheim, Marietta, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Payne, Penry, Richardson, Rogers, Starkey, Thomas, Turnham, White (G), White (L), Williams and Zoghby.

—49

Nays:

Reps. Blake, Blakeney, Brooks, Burke, Butler, Crow, Curry, Dillard, Flowers, Frazier, Gray, Hamilton, Harvey, Hill, Hogan, Holley, Knight, Laird, Layson,

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Logan, Marks, McKee, Newton (D), Parker, Perdue, Petelos, Poole, Sanderford, Spratt, Walker, Warren, Willis and Wright.

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MOTION TO ADJOURN LOST

The motion offered by Rep. Beers that the House adjourn until 11:00 A.M., Wednesday, April 26, 1989, was lost.

Yeas 18; Nays 65.

Yeas:

Reps. Beers, Clay, Crow, Escott, Flowers, Frazier, Gray, Hogan, Laird, McKee, McMillan, Sanderford, Spratt, Turnham, Walker, Warren, Willis and Wright.

—18

Nays:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JL), Campbell, Carothers, Clark (W), Colvin, Cosby, Curry, Dillard, Ford, Freeman, Fuller, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Slaughter, Thomas, Turner, Venable, White (F), White (G), White (L), Williams and Zoghby.

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 203. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1990.

Also:

H. 205. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1990 for educational purposes.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 193. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

H. 177 RESUMED

And the bill:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

As amended by the amendment proposed by His Excellency, the Governor, was lost.

Yeas 40; Nays 44.

Yeas:

Mr. Speaker, Black, Bowling, Box, Breedlove, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Colvin, Cosby, Ford, Freeman, Fuller, Grayson, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson (RW), Kvalheim, Marietta, Mathis, McClain, Melton, Moon, Newman, Penry, Richardson, Rogers, Slaughter, Starkey, Thomas, White (F), White (L), Williams and Zoghby.

—40

Nays:

Reps. Adams, Beasley, Beers, Blake, Blakeney, Brooks, Burke, Butler, Crow, Curry, Dillard, Escott, Flowers, Frazier, Gray, Grouby, Hamilton, Harvey, Headley, Hogan, Holley, Knight, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Sanderford, Spratt, Turnham, Walker, Warren, White (G), Willis and Wright.

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Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 207. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1989-90 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

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Also:

H. 208. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1990 for educational purposes.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 1011.

Yeas 57; Nays 12.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Coburn, Colvin, Cosby, Crow, Ford, Fuller, Grayson, Grouby, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Marietta, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Slaughter, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Wright and Zoghby.

—57

Nays:

Reps. Brooks, Butler, Curry, Dillard, Gray, Logan, Marks, McKee, Sanderford, Turnham, Walker and Williams.

—12

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW), Budget Isolation Resolution relating to H. B. 1011, was adopted.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Colvin, Cosby, Curry, Dillard, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Parker, Penry, Perdue, Poole, Richardson, Sanderford, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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Nays: Reps. Payne and Williams.

—2

And the bill:

H. 1011. (With Amendment): To propose a constitutional amendment authorizing the legislature to enact laws regulating costs and charges of court in certain political subdivisions; to validate certain prior acts and actions

taken pursuant thereto; and to prohibit retroactive levy and collection of said costs and charges.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend H. B. 1011, Section 1, Page 1, Line 34, after the word "the" by striking the following: ~~legislative~~ and inserting in lieu thereof: legislature is empowered, by

Further amend H. B. 1011, Section 1, Page 2, Line 1 by striking the word ~~or~~

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Slaughter, Turner, Walker, Warren, White (F), White (G), White (L), Williams and Willis.

—73

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 213. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 214. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 209. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1990.

Also:

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 212. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

H. 1011 RESUMED
AMENDMENT OFFERED

Rep. Johnson (RW) offered the following amendment to the bill, H. 1011 as amended:

On page 1, lines 9, 10 and 11, delete all language and punctuation beginning with the word "authorizing" and continuing through the semi-colon on line 11, and insert in lieu thereof the word:

that

On page 1, line 12, delete the word "thereto" and insert in lieu thereof the words:

to certain laws regulating costs and charges of court;

On page 1, lines 20, 21, and 22, delete all language and punctuation beginning with the word "authorizing" on line 20 through the semi-colon on line 22.

On page 1, line 23, delete the word "thereto" and insert in lieu thereof the words:

to certain laws regulating costs and charges of court;

On page 1, line 33, beginning with the word "In" delete the entire first sentence of the "Proposed Amendment" which ends with the word "sub-division" on line 4 of page 2.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Dillard, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McDowell,

McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

And the bill:

H. 1011. To propose a constitutional amendment to validate certain prior acts and actions taken pursuant to certain laws regulating costs and charges of court; and to prohibit retroactive levy and collection of said costs and charges.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

Nays: Rep. Payne.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 215. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 216. To make an appropriation to the Alabama Humanities Foundation for the fiscal year ending September 30, 1990 and to require an audited financial statement and operations plan prior to release of any funds.

Also:

H. 218. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September

30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 275. To require the Director of the Alabama Department of Environmental Management to prepare a State Solid Waste Management Plan; to create a Solid Waste Management Advisory Committee to advise on the development of said plan; to require cities and counties to develop and adopt comprehensive solid waste management plans with the assistance of the Department and the State's Regional Planning and Development Commissions; to require the Regional Planning and Development Commissions to develop a regional solid waste management needs assessment; to require the implementation of such plans; and to place a moratorium on the issuance or modification of permits for the construction or operation of certain solid waste management facilities for 24 months after the effective date of this act so that such plans can be developed and implemented.

TOMMY CARTER,
Chairman.

And the bill, H. 275 as engrossed, was ordered sent to the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:37 P.M. on April 25, 1989.

H. 548	H. 704
H. 583	H. J. R. 199
H. 662	H. 686
H. 710	H. 688
H. J. R. 305	H. 149
H. J. R. 338	H. 584
H. 549	H. 633
H. 697	H. 673
H. 723	H. 814
H. 732	H. 403

H. 737	H. 391
H. 744	H. 694
H. 764	H. 721
H. 776	H. 447
H. 777	H. J. R. 342
H. 130	H. J. R. 343
H. 389	H. J. R. 323
H. 449	H. 474
H. 578	H. 775

Delivered to the Secretary of State at 2:40 P.M. on April 25, 1989.

H. 617 (Constitutional Amendment)

Delivered to the Governor at 3:52 P.M. on April 25, 1989.

H. 321 (Executive Amendment)

H. 327 (Executive Amendment)

Delivered to the Governor at 9:23 P.M. on April 25, 1989.

H. 164

H. 182

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Walker, and pursuant to the resolution, H. R. 423, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Wednesday, April 26, 1989.

Yeas 40; Nays 21.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Brooks, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Escott, Flowers, Ford, Hall, Hogan, Holmes, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Rains, Sanderford, Spratt, Thomas, Walker, Warren, Willis and Wright.

—40

Nays:

Reps. Adams, Biddle, Bugg, Gaston, Grayson, Grouby, Hammett, Harvey, Hill, Holley, Hooper, Johnson (RG), Knight, Kvalheim, McMillan, Payne, Poole, Slaughter, Turner, Turnham and White (G).

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TWENTY-THIRD DAY

House of Representatives
Montgomery, Alabama
Wednesday, April 26, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Billy Walker, The Church of Montgomery, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Robert Allen, Trinity School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Ford, the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-second legislative day was approved.

MOTION IN WRITING FILED

Rep. Spratt filed the following Motion in Writing:

Having voted on the prevailing side in which H. B. 177 failed to pass, I now move to reconsider the unnecessary vote by which said bill, to-wit, H. B. 177 failed to pass.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 1011. To propose a constitutional amendment to validate certain prior acts and actions taken pursuant to certain laws regulating costs and charges of court; and to prohibit retroactive levy and collection of said costs and charges.

TOMMY CARTER,
Chairman.

And the bill, H. 1011 as engrossed, was ordered sent to the Senate.

MOTION TO RECONSIDER

Having voted on the prevailing side and having previously filed a Notice in Writing, Rep. Spratt offered the motion to reconsider the unnecessary vote by which the bill, H. 177 as amended by the Executive amendment, was lost.

MOTION TO TABLE LOST

The motion offered by Rep. Frazier to table the motion offered by Rep. Spratt to reconsider the bill, H. 177 as amended by the Executive amendment, was lost.

Yeas 37; Nays 49.

Yeas:

Reps. Adams, Beers, Blake, Blakeney, Brooks, Burke, Butler, Crow, Curry, Dillard, Flowers, Frazier, Gray, Grouby, Hamilton, Headley, Hill, Hogan, Holley, Laird, Layson, Logan, Marks, McKee, Mikell, Moon, Parker, Payne, Petelos, Poole, Sanderford, Seibels, Turnham, Walker, White (G), Willis and Wright.

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Nays:

Mr. Speaker, Beasley, Bowling, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Coburn, Colvin, Cosby, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grayson, Hall, Harper, Harvey, Haynes, Higginbotham, Holmes, Hooper, Johnson (RW), Kvalheim, Mathis, McClain, McMillan, Melton, Newman, Newton (C), Newton (D), Perdue, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, White (L), Williams and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 193. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization

Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 203. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1990.

Also:

H. 205. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1990 for educational purposes.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills. to-wit:

H. 207. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1989-90 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

Also:

H. 208. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1990 for educational purposes.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 215. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 216. To make an appropriation to the Alabama Humanities Foundation for the fiscal year ending September 30, 1990 and to require an audited financial statement and operations plan prior to release of any funds.

Also:

H. 218. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 209. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1990.

Also:

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 212. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile,

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Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 213. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 214. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1990, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 177 RESUMED

The question was then on the motion offered by Rep. Spratt to reconsider the unnecessary vote by which the bill, H. 177 as amended by the Executive amendment, was lost, and the motion to reconsider was adopted.

Yeas 43; Nays 36.

Yeas:

Mr. Speaker, Beasley, Bowling, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Davis, Escott, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Hall, Harper, Harvey, Higginbotham, Holmes, Hooper, Johnson (RW), Kvalheim, Mathis, McClain, McMillan, Melton, Newman, Newton (D), Perdue, Richardson, Rogers, Spratt, Starkey, White (L), Williams and Zoghby.

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Nays:

Reps. Adams, Beers, Blake, Blakeney, Brooks, Butler, Crow, Curry, Dillard, Flowers, Frazier, Grouby, Hamilton, Headley, Hill, Hogan, Holley, Laird, Layson, Logan, Marks, McKee, Mikell, Moon, Parker, Payne, Petelos, Poole, Rains, Sanderford, Seibels, Turnham, Walker, White (G), Willis and Wright.

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MOTION IN WRITING FILED

Rep. Mikell filed the following Motion in Writing:

Having voted on the prevailing side in which the Alabama House of Representatives voted to concur with the executive amendment to H. B.

177, I now move to reconsider the vote by which the House concurred with the executive amendment to H. B. 177.

MOTION IN WRITING TABLED

On motion of Rep. Johnson (RW), the Motion in Writing filed by Rep. Mikell, was tabled.

Yeas 45; Nays 38.

Yeas:

Mr. Speaker, Beasley, Bowling, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Coburn, Colvin, Cosby, Davis, Escott, Ford, Freeman, Fuller, Gaston, Grayson, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson (RW), Kvalheim, Mathis, McClain, McDowell, Melton, Newman, Newton (D), Perdue, Richardson, Rogers, Spratt, Starkey, White (L), Williams and Zoghby.

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Nays:

Reps. Adams, Beers, Blakeney, Brooks, Butler, Crow, Curry, Dillard, Flowers, Frazier, Gray, Grouby, Hamilton, Harvey, Headley, Hill, Hogan, Holley, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Moon, Parker, Payne, Petelos, Poole, Rains, Sanderford, Seibels, Turnham, Walker, White (G), Willis and Wright.

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BILLS ON SECOND READING

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 527. To amend the Securities Act of Alabama, Section 8-6-11 of the Code of Alabama 1975, relating to the regulation of the sale, selling, offering, offering to sell and registration of securities so as to provide further for the exemption of certain transactions from the provisions of the Securities Act of Alabama.

H. 1036. To amend Article one, Chapter six of Title eight of the Code of Alabama (1975) as amended so as to revise the "Securities Act of Alabama". This bill will become effective January 1, 1990.

S. 311. To amend section 13A-12-250, Code of Alabama 1975, which imposes an additional penalty for the sale of illegal drugs on or near a school campus, so as to provide for an additional penalty for a sale within three miles of a school campus.

S. 312. To impose an additional penalty for the sale of illegal drugs within three miles of a public housing project.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 21. (With Amendment): Relating to elections; to provide that certain counties shall conduct and complete purges of their voter registration lists

by a certain date; to create and establish a state Voter Registration Advisory Board; to establish, operate and maintain a statewide voter registration file under a Director of Voter Registration as a service to county boards of registrars to assist them in updating their voter list; to prescribe penalties for violations and to provide that this act shall be supplemental to existing election laws.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 938. To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

S. 348. To amend sections 6-6-332 and 35-9-82, Code of Alabama 1975, relating to service of process, so as to provide further for procedures for service of process.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 532. (With Substitute): To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to a private entity and owned by a private entity for Alabama of federal income tax purposes.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 91. To amend Section 36-7-21 of the Code of Alabama 1975, relating to allowances for persons traveling outside the state of Alabama, so as to permit the employing agency to elect to advance direct payments to third parties of travel and travel-related expenses for authorized travel out of state.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

S. 281. (With Amendment): Relating to the operation of motor vehicles and the rules of highway and traffic safety; to amend Sections 32-5-76 and 32-5A-60 of the Code of Alabama 1975, relating to rules of the road so as to further prohibit the spilling, depositing or throwing of foreign materials or litter from a motor vehicle onto a highway, road, street or public right-of-way; to provide for the use of the uniform traffic citation in certain instances for violations; and to provide further for penalties for violations.

H. 953. (With Amendment): To further amend Section 41-16-50, Code of Alabama 1975, as amended, relating to public contracts requiring competitive bidding, so as to include separate boards of trustees.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1051. To require the Department of Public Safety to provide certain information to boards of registrars on persons acquiring drivers' licenses outside of the state; to authorize the boards of registrars to delete the names of said persons from voter registration lists; and to provide for certain exemptions for persons in the armed forces.

H. 1052. To provide that the bureau of vital statistics shall furnish to the boards of registrars a list of previously deceased persons.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 547. (With Substitute): To expand the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home reform enforcement provisions of the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203 and any persons protection act by the 1989 Alabama Legislature are met.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 284. Relating to the standards for fiduciary investment and management by adding a new Section 19-3-120.2 to Title 19, Chapter 3, Code of Alabama 1975, so as to provide that standards for fiduciary investments and management to be that of a prudent person; that the propriety of an investment decision is to be determined by what a fiduciary knew or should have known at the time of the decision; that a fiduciary is entitled to rely in good faith upon the express provisions of a governing instrument; that a fiduciary may hold property received by it in an account at its inception or subsequently added to it and that such property may include stock in the fiduciary if a corporation and stock in any corporation controlling, controlled by or under common control with the fiduciary; that a court may permit a fiduciary to deviate from the terms of a governing instrument; and that the provisions of this Act apply to all fiduciary relations now existing or hereafter created; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 398. (With Amendment): To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations

may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 273. To increase the number of trustees on the Board of Trustees of Selma University and provide for their appointment.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 32. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

The above bill was read a second time at length as required by the Constitution.

H. 1008. To amend Section 9-12-54.6, Code of Alabama 1975, relating to bait shrimping, so as to allow for the inclusion of the Blakely River, Baldwin County, Alabama, to a list of areas in which bait shrimping may take place year around and to repeal Sections 9-12-54.1, 9-12-54.2, 9-12-54.3, 9-12-54.4, 9-12-54.5, and 9-12-54.7, Code of Alabama 1975, which relate to live bait shrimping.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 998. Proposing a constitutional amendment, pursuant to Amendment 425 of the Constitution of 1901, relating to Coosa County and the manner and method of compensating associate county commissioners, and providing for the election thereon.

The above bill was read a second time at length as required by the Constitution.

H. 1053. Relating to the City of Jacksonville in Calhoun County, to amend Act 2182, H. 2753 of the 1971 Regular Session (Acts of 1971, p. 3489) as last amended, pertaining to the Jacksonville Civil Service System, so as to alter the compensation of board members; to provide for the board's annual budget; and to alter the number of persons on an eligible list from which the appointing authority may select.

H. 1054. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the

powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

H. 1057. Relating to Calhoun County, Alabama; to authorize Calhoun County in the furtherance of the public health, safety and general welfare of the citizens of the county to engage in arranging for fire hydrants on and along all water mains of appropriate diameter in unincorporated areas of Calhoun County; to authorize Calhoun County to negotiate and enter into agreements, with any entity or entities owning or maintaining water mains or systems, as may be necessary to allow fire hydrants to be provided pursuant to the provisions of this act; to provide for the county's responsibility in regard to fire hydrants provided pursuant to this act; to authorize Calhoun County to establish and maintain special funds for the purposes of providing such fire hydrants and for the inspection and maintenance of such fire hydrants; to allow the investment by the county of funds so as to generate adequate income for the continued inspection and maintenance of fire hydrants provided pursuant to this act; to authorize Calhoun County to set the amount required for the purchase and installation of a fire hydrant and the amount necessary to provide for the continued inspection and maintenance of a fire hydrant; to require a person or legal entity desiring a fire hydrant to pay the county the amounts set by the county commission for its purchase and installation and its inspection and maintenance; to provide that all entities now or in the future providing water or water services within the boundaries of Calhoun County shall be required to make all purchases, and to do all installations, maintenance and servicing of fire hydrants, provided under the provisions of this act, for their usual and customary charges for such purchases and services; to authorize Calhoun County to levy and collect an inspection and maintenance fee should such become necessary; to require municipalities which are formed or which annex land with fire hydrants into their corporate limits to assume full responsibility for the continued inspection and maintenance of fire hydrants within such annexed or newly incorporated areas, or to provide for the adequate assumption of such responsibility; and to provide that the furnishing of fire hydrants pursuant to this act is a governmental function and to exempt Calhoun County from all tort liability in connection with the providing of fire hydrants pursuant to this act.

Rep. Marietta, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 642. Amending Act No. 80-164, H. 167, 1980 Regular Session, which supplements the salaries of the Circuit Judges of the Thirteenth Judicial Circuit in Mobile County, so as to increase said supplement.

Rep. Marietta, Chairman of the Standing Committee on local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1059. (With Substitute): Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of

barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 952), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar to-wit:

H. 1009. To amend Section 11-89A-6, Code of Alabama 1975, relating to solid waste disposal authorities, so as to provide that the board of directors consisting of three members may be expanded to consist of either five or seven members total; to provide for the terms of any additional members; and to provide for an effective date of this act.

S. 28. To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state transient occupancy tax proceeds to the cities and counties building eligible facilities in order to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities and counties; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to wit:

H. 1066. (With Substitute): To provide for a transfer from the Departmental Emergency Fund to the Division of Rehabilitation and Crippled Children Services for the Hemophilia Program for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to wit:

H. 1041. To amend Section 40-17-31, Code of Alabama 1975, which levies certain ad valorem taxes and motor fuel taxes in this state, so as to increase certain aircraft fuel tax level from \$600,000 to \$1,000,000.

S. 200. To amend Section 40-12-240, Code of Alabama 1975, relating to definitions of motor vehicles, so as to define the portions of the definition of gross vehicle weight which are no longer applicable and to amend Section 40-12-248, Code of Alabama 1975, relating to taxes and fees on trucks and tractors, so as to reduce the annual license taxes and registration fees on certain trucks known as self-propelled campers or house cars.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 743. (With Amendments): To make an appropriation to Montgomery AIDS Outreach from the Alabama Special Educational Trust Fund in the amount of \$25,000 for the 1989-90 fiscal year for AIDS prevention education and to require a financial statement and audit of expenditures.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 378. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

H. 579. To amend Section 12-17-140 of the Code of Alabama 1975, relating to supernumerary status of clerks and registers so as to provide further for qualifications for supernumerary status of clerks and registers.

H. 489. To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

H. 1034. To authorize the governing body of any county in this state and any participating municipality to establish public corporations to acquire, enlarge, improve, replace, own, lease and dispose of properties to the end that such corporations may develop land as sites for industrial parks, including provisions for water, sewage, drainage, transportation, power and communication facilities and other similar facilities incidental to the use of land as an industrial park and to vest in such corporations all powers necessary to enable them to accomplish such purposes.

H. 1065. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

S. 419. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

S. 574. (With Amendment): Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

H. 856. (With Amendment): Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1055. Relating to Marion County; providing that any monies collected from the additional court costs levied by Act No. 85-933, H. 243, 1985 Second Special Session (Acts 1985, p. 235), and amendment thereto and Act No. 85-934, S. 216, 1985 Second Special Session (Acts 1985, p. 235) and paid to the clerk of the circuit court under the authority of such acts, shall be distributed to the Marion County department of human resources for deposit in a separate fund; and to provide that the interest derived from such monies shall be used for handicapped children in the county.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mathis (With Notice and Proof):

H. 1067. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geneva in Geneva County; and to repeal sections 2 and 3 of Act No. 499, H. 566, 1961 Regular Session (Acts 1961, p. 597), relating to ad valorem taxation exemptions for certain territory within the corporate limits of the municipality of Geneva.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1067, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Buskey (JE), Spratt, Clark (W), Grayson, Clay, McClain, Newton (D), Rogers, McDowell, Buskey (JL), Black, Davis, Holmes, Bryant, and Melton:

H. 1068. To provide a voluntary checkoff designation of state income tax returns for the United Negro College Fund, Inc.

Committee on Ways and Means.

By Reps. Buskey (JE), Spratt, Clark (W), Grayson, Clay, McClain, Newton (D), Rogers, McDowell, Buskey (JL), Black, Davis, Holmes, Bryant, and Melton:

H. 1069. To amend section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of state employees for certain charitable organizations, so as to include the United Negro College Fund, Inc., within the list of qualified charities.

Committee on Ways and Means.

By Rep. Hogan:

H. 1070. To establish a new regulatory and licensing board for the practice of Cosmetology and Barbering; to create the Alabama Board of Cosmetology and Barbering; to provide for suspension and revocation of licenses; to prescribe penalties for certain violations; and to repeal Chapters

5 and 7 of Title 34, Code of Alabama 1975, relating to barbers and cosmetologists.

Committee on Health.

By Reps. Gray, Perdue, Spratt, Newton (D), Beers, Rogers, Petelos, Curry, Seibels, Slaughter, Wright, McClain, McDowell, and White (G) (With Notice and Proof):

H. 1071. To authorize the pension board established by Act Number 393 of the 1975 Regular Session of the Legislature of Alabama for officers and employees of library board in cities having a population of 300,000 or more according to the 1970 or any subsequent census, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other person's dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said pension board shall be authorized to increase such benefits.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1071, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Biddle and Payne (With Notice and Proof):

H. 1072. Relating to Jefferson County, to limit the amount of occupational license fees which can be levied or collected by the county government.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1072, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Lindsey (With Notice and Proof):

H. 1073. Relating to Cleburne County, authorizing certain retired law enforcement officers to retain their badges and pistols.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1073, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Lindsey (With Notice and Proof):

H. 1074. Relating to Cleburne County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1074, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grouby (With Notice and Proof):

H. 1075. Relating to Autauga County; to authorize the Autauga County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1075, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Sanderford, Hall, and Brooks:

H. 1076. To propose an amendment to the Constitution of Alabama of 1901 pertaining only to Madison County so as to establish a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; prescribe the powers, duties, and term of office of said county revenue commissioner and provide for his election; abolish the county offices of tax assessor and tax collector in Madison County; repeal conflicting laws; and provide that this act shall become effective only upon the approval of a majority of the qualified electors of Madison County voting thereon in a referendum election.

Committee on Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Reps. Kvalheim, Penry, and Zoghby:

H. 1077. To amend Section 36-29-1, Code of Alabama 1975, which defines "employee" for state employees' health insurance purposes, so as to include employees of the USS Alabama Battleship Commission within said definition.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Burke, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG),

Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 425. CONGRATULATING REPRESENTATIVE AND MRS. RICHARD LINDSEY ON THE BIRTH OF A DAUGHTER.

WHEREAS, the Legislature of Alabama, in great personal pleasure, congratulates Representative and Mrs. Richard Lindsey on the birth of a beautiful baby daughter, Anna Elizabeth Lindsey, on January 24, 1989; and

WHEREAS, Anna Elizabeth, who weighed eight pounds and one ounce at birth, is the Lindsey's second child and we are indeed happy for both Johna and Richard, and for Anna Elizabeth's big brother, Richard Joe; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate our good friends, Richard and Johna Lindsey, on the birth of little Anna Elizabeth, January 24, 1989, and wish for them all increasing happiness with every passing year.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Representative and Mrs. Lindsey, and that a copy also be provided for Anna Elizabeth that she may later know of the happiness we shared with her parents on the occasion of her birth.

On motion offered by Rep. Burke, the rules were suspended and the resolution, H. J. R. 425, was adopted.

Also:

By Rep. Bugg:

H. J. R. 426. MOURNING THE DEATH OF LESLEY ANN KAYLOR OF ATTALLA, ALABAMA.

WHEREAS, it is with a sense of great loss that the Legislature of Alabama grievously records the tragic death of Lesley Ann Kaylor of Attalla, Alabama, on March 26, 1989, at the age of 16 years; and

WHEREAS, Miss Kaylor was a native of Etowah County and a resident of Attalla most of her life; she was a member of Cave Springs Baptist Church and a student at Etowah High School; and

WHEREAS, Lesley Ann Kaylor reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and she shall be missed keenly by her host of friends to whom she gave so generously of her talents and friendship; and

WHEREAS, she exhibited throughout her life those admirable attributes of friendliness, devotion to duty, and concern for her fellowmen; she gained the respect and affection of all who knew her, whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the

untimely death of Lesley Ann Kaylor of Attalla, Alabama, and extend sincere and deepest sympathy to her parents, Dean and Judy Kaylor; her grandparents, Warring Perry and Harlan and Elizabeth Kaylor; her sister and brother, Bridget and Adam Kaylor; and other family members for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their inconsolable loss.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 426, was adopted.

Also:

By Rep. Bugg:

H. J. R. 427. RECOGNIZING WITH COMMENDATION THE 100TH ANNIVERSARY OF THE GADSDEN CITY SCHOOLS.

WHEREAS, on February 28, 1889, Act No. 560 of the General Assembly of Alabama created the Gadsden Public School District as a district separate and apart from the remaining school districts of Etowah County, Alabama; and

WHEREAS, on February 28, 1889, the Gadsden City Board of Education celebrated the Centennial Anniversary of the Gadsden Schools, and was joined by the community in observing this milestone event in the one-hundred-year history of the Gadsden City Schools, and in recognizing the many outstanding educational opportunities and benefits provided by the system during its first century of service to the children and youth of Gadsden; and

WHEREAS, in marking this significant point in progress, the Legislature is cognizant that the accomplishments of the Gadsden City Schools, during the first century of growth, are to the credit of its superintendents, principals, teachers, support personnel and students, both past and present; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein recognize, with highest praise, the Centennial observance of the Gadsden City Schools, and do further commend the Gadsden City Board of Education, administrators, staffs and students as they enter upon a second century of progress for the Gadsden City Schools.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the superintendent and president of the board of education of the Gadsden City School System.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 427, was adopted.

Also:

By Reps. Buskey (JL), Holmes, Walker, McKee, and Hooper:

H. J. R. 428. COMMENDING THE MONTGOMERY COUNTY EDUCATION ASSOCIATION.

WHEREAS, the Montgomery County Education Association is among the winners of the First Annual A+ Awards for Excellence in Education from the National Education Association; and

WHEREAS, MCEA was cited by the NEA for its efforts to enhance learning opportunities for students; and

WHEREAS, MCEA Award Winner, the "Montgomery Opportunity School Program," which continues to date, was started in 1985 to combat the city's high dropout rate and to provide a safe environment for the growing numbers of latchkey children; and

WHEREAS, the project is operated by certified volunteer teachers, and this program features after-school services for hundreds of elementary and junior high school students in five general areas, homework, remediation, study, skills, reading skills, and self-enhancement, at three elementary and two junior high schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, we commend the Montgomery County Education Association for receiving the National Education Association A+ Award.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to the Montgomery County Education Association.

On motion of Rep. Buskey (JL), the rules were suspended and the resolution, H. J. R. 428, was adopted.

Also:

By Rep. Bryant:

H. J. R. 429. COMMENDING THE FRANCIS MARION HIGH SCHOOL RAMS ON THE 1988-1989 STATE CLASS 2A BASKETBALL CHAMPIONSHIP.

WHEREAS, it is with great pleasure that the Alabama Legislature congratulates the Francis Marion High School Rams on the State Class 2A Basketball Championship for 1988-1989; and

WHEREAS, under the outstanding leadership of Head Coach Woodie Jackson and Assistant Coach Anthony Trimble, the mighty Rams from Marion beat Al Johnson, Paramount, Marion County and Holy Family to advance to the State Tournament; and

WHEREAS, the Francis Marion Rams, after knocking off J. F. Shields and Clay County in State rounds one and two, mauled McIntosh (87-49) in the Finals to claim the 1988-1989 State Crown and, for the first time in history, a Perry County school has won back-to-back Basketball Titles; and

WHEREAS, we further note that the Rams were voted by sportswriters as one of the 10 best teams in the State, in all classifications, and Francis Marion also was one of only five schools to advance both boys' and girls' teams to the 1989 State Tournament; and

WHEREAS, those to be most highly praised for their contributions to the Rams' outstanding 31-3 season are 2A Champions Willie Shears (MVP 2A State, All-Area Tournament Team and First Team 2A All-State), Keith Tubbs (All-Area Tournament Team, Honorable Mention All-State and Shades Valley Invitational All-Tournament Team), Joseph Moore (All-Area Tournament Team and Honorable Mention All-State), Samuel Hollis (Honorable Mention All-State and All-Area Tournament Team), Chester Lapsley (All-Area Tournament Team) and Darrell Norfleet (All-Area Tournament Team

and Honorable Mention All-State), along with their talented teammates Jerry Mayhan, Burt Parker, Severn Sanders, Robert Turner, Chris Ford and Charles Tubbs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as our State Class 2A Basketball Champions (1988-1989), we hereby most heartily congratulate and commend the Francis Marion High School Rams and Coaches Jackson and Trimble, and do further direct that copies of this resolution be provided for presentation to Principal Maxine Coley, Athletic Director Edward Daniel, Coaches Jackson and Trimble and the Rams, and for appropriate school display.

On motion of Rep. Bryant, the rules were suspended and the resolution, H. J. R. 429, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11.

By Rep. Box:

H. R. 430. COMMENDING THE OCCIDENTAL CHEMICAL CORPORATION MOBILE PLANT AND EMPLOYEES ON 25 YEARS OF SUCCESSFUL OPERATION.

Also:

The following resolutions were introduced:

By Rep. Payne:

H. J. R. 431. MOURNING THE DEATH OF SONYA DeANN HALLMARK OF PINSON, ALABAMA.

WHEREAS, it is with a sense of great loss that the Legislature of Alabama grievously records the tragic death of Sonya DeAnn Hallmark of Pinson, Alabama, on April 5, 1989, at the age of 18 years; and

WHEREAS, Miss Hallmark was a 1988 graduate of Hewitt-Trussville High School, attended Jefferson State Community College and worked part-time as a cashier at the Winn-Dixie supermarket; she was a member of Clearview Baptist Church; and

WHEREAS, Sonya DeAnn Hallmark reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and she shall be missed keenly by her host of friends to whom she gave so generously of her talents and friendship; and

WHEREAS, she exhibited throughout her life those admirable attributes of friendliness, devotion to duty, and concern for her fellowman; she gained respect and affection of all who knew her, whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the untimely death of Sonya DeAnn Hallmark of Pinson, Alabama, and extend sincere and deepest sympathy to her parents, Mr. and Mrs. Larry Hallmark, her sister, April Delane Hallmark; her grandparents, Margaret and J. W. Green and Owen and Jeanette Hallmark; and to other family members for

whom a copy of this resolution shall be provided that they may know of our shared sorrow in their inconsolable loss.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 431, was adopted.

Also:

By Rep. Payne:

H. J. R. 432. MOURNING THE UNTIMELY DEATH OF NATHAN WAYNE VERNON OF CENTER POINT, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama records the lamentable and untimely death of Nathan Wayne Vernon of Center Point, Alabama, on April 5, 1989, at the early age of just 16 years; and

WHEREAS, Wayne Vernon was a sophomore at E. B. Erwin High School and a member of the Pinson Valley Baptist Church; and

WHEREAS, Wayne reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and he shall be missed keenly by his host of friends to whom he gave so generously of his talents and friendship; and

WHEREAS, he exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; he gained the respect and affection of all who knew him, whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the tragic death of Nathan Wayne Vernon of Center Point, Alabama, and extend sincere and deepest sympathy to his parents, Mr. and Mrs. Nathan Vernon; his brother, Mike Vernon; and his grandmother, Mrs. Dorothy Cheshire, for whom copies of this resolution shall be provided that they may know of our shared sorrow in their inconsolable loss.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 432, was adopted.

Also:

By Rep. Payne:

H. J. R. 433. MOURNING THE DEATH OF DAVID ERIC WREN OF CENTER POINT, ALABAMA.

WHEREAS, it is with a sense of great loss that the Legislature of Alabama grievously records the tragic death of David Eric Wren of Center Point, Alabama, on April 5, 1989, at the age of 15 years; and

WHEREAS, Eric Wren was a sophomore at E. B. Erwin High School and attended Hilldale Baptist Church; and

WHEREAS, Eric reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and he shall be missed keenly by his host of friends to whom he gave so generously of his talents and friendships; and

WHEREAS, he exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and gained the respect and affection of all who knew him, whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the untimely death of David Eric Wren of Center Point, Alabama, and extend sincere and deepest sympathy to his parents, Mr. and Mrs. Dwight R. Wren, Sr.; his father, David Rick Daniel; his sister, Angela Wren; his brother, Dwight R. Wren, Jr.; his stepsister, Tonya Wren; and his grandparents, Mr. and Mrs. John R. Wren, Jr., Mrs. Gladys Barr and Mrs. Ann J. Daniel, for whom copies of this resolution shall be provided that they may know of our shared sorrow in their inconsolable loss.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 433, was adopted.

Also:

By Rep. Payne:

H. J. R. 434. COMMENDING BRYAN PATRICK THARP OF CHALKVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, twelve-year-old Bryan Patrick Tharp of Chalkville, Alabama, began playing soccer at the Northeast YMCA in May 1983 at the age of six; and

WHEREAS, after four seasons with the YMCA team, he began playing for the Trussville Soccer Association in the Spring of 1985; and

WHEREAS, completing four seasons with the Trussville Association, Bryan Patrick Tharp then joined The Hewitt Husky Soccer Club (Spring 1986); in the Spring of 1988, he was selected to the Mid-State District Select Team which defeated the Tennessee and Georgia State Champions in tournament play, and, also in 1988, he was a member of the Alabama Sports Festival Bronze Medal Team; and

WHEREAS, we further note that in the Spring of 1989, every registered soccer player in the State of Alabama was invited to try out for the Olympic Development Program and, from these statewide tryouts, Bryan was selected as one of the 24-member Olympic Development Pool for those born after August 1, 1976; and

WHEREAS, this is the first step in a development process to lead to the U. S. Olympic Team and, as a member of this select pool, he will be representing Alabama in competition with teams from throughout the South-eastern United States; and

WHEREAS, Bryan Tharp is indeed to be congratulated on this outstanding honor which is the highest honor a young soccer player of his age can achieve; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as one of the 24 best soccer players in the State, we hereby commend Bryan Patrick Tharp of Chalkville, Alabama, to whom a copy of this resolution of esteem shall be presented.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 434, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Payne:

H. R. 435. COMMENDING STEVE HILL OF TRUSSVILLE, ALABAMA, FOR OUTSTANDING SERVICE TO THE TRUSSVILLE, CHALKVILLE, PINSON AND CLAY COMMUNITIES.

Also:

The following resolutions were introduced:

By Reps. Zoghby and Clark (J):

H. J. R. 436. RECOGNIZING WITH COMMENDATION THE 10th ANNIVERSARY OF THE NATIONAL ODOM ASSEMBLY.

WHEREAS, the National Odom Assembly convenes in Mobile, Alabama, July 21-23, 1989, on the Tenth Anniversary of the first annual gathering of Odom families, numbering some 250 heads of households, their spouses and children who represent forty of the states, including Alaska; and

WHEREAS, this forthcoming event will mark the first time since 1981, following reunions one and two in Eufaula, that the Odoms have met in Alabama, and is thereby coincidental with the first Alabama Reunion homecoming to unite former residents, old and new, as well as thousands of other visitors to our beautiful state; and

WHEREAS, many of the Odoms, including "Odums," "Odems," "Old-hams" and various other spellings of the family name, settled in Washington County, Alabama (then the Mississippi Territory), in 1903, coming from South Carolina and North Carolina and by way of the Federal Highway, with many others continuing West; and

WHEREAS, perhaps one of the largest such organizations in the country, the National Odom Assembly, in annual reunion, provides a forum for genealogy research and promotes fun and fellowship for a growing family who establish bonds for the future as they search for and learn of their heritage; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with commendation the Tenth Anniversary of the National Odom Assembly; we further welcome the return of the Odoms to the State of Alabama, and most cordially invite them to make Alabama the permanent site of the Odom's annual reunion.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 436, was adopted.

Also:

By Rep. Zoghby:

H. J. R. 437. CONGRATULATING MICHELE KILCULLEN COODY, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

WHEREAS, Michele Kilcullen Coody, a native of Mobile, Alabama, and a resident of Montgomery for 13 years, was a recent recipient of the prestigious "Pro Ecclesia et Pontifice" medal from His Holiness John Paul II, which was established in 1888 as a public sign of outstanding achievement and dedication to the Church and Pope; and

WHEREAS, Michele Coody, a member of St. Bede Catholic Parish, has been active in her church and community; she serves on the boards of the Montgomery Deanery and the Archdiocesan Council of Catholic Women, and Seton Haven Management Board; she has served as President of the Montgomery Deanery, the Archdiocesan Council of Catholic Women, St. Bede School PTO and School Board; and she has been an officer and Board member of St. Margaret's Pink Ladies, the Montgomery Museum of Fine Arts Association; and her life has been faith filled in service to others for the betterment of her church and community; and

WHEREAS, Michele Coody has given her talents, time and energies which have earned the high esteem of many, and her presence in our community has been an inspiration for others to reach out to the needs of others and her family life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Lady Michele Coody, Montgomery, Alabama, for her outstanding achievements and particularly for her dedication to her church and service for the enrichment of others, which has earned her the august "Pro Ecclesia et Pontifice" medal.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Charles Coody, Montgomery, Alabama, so that she and her family may know of our high esteem and deep appreciation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 437, was adopted.

Also:

By Rep. McKee:

H. J. R. 438. MOURNING THE DEATH OF WILLIAM RAYNES JONES OF MONTGOMERY, ALABAMA.

WHEREAS, in sentiment of great sorrow, the Legislature of Alabama records the lamentable death of William Raynes Jones of Montgomery, Alabama, on April 13, 1989, at the age of 75 years; and

WHEREAS, a prominent Alabama law enforcement official and a U. S. Navy veteran of World War II, Mr. Jones began his career as a deputy sheriff in Jackson County in 1946; and

WHEREAS, Mr. Jones attended the F.B.I. National Academy in 1947, and, upon graduation from the Academy, joined the Highway Patrol Division (now the State Trooper Division) of the Alabama Department of Public Safety; and

WHEREAS, rising rapidly in rank and in positions of increasing responsibility and leadership, Mr. Jones served as assistant director of the department during the administration of Governor John Patterson and thereafter, and until retirement, served as a major in charge of the Investigative Division of the Department of Public Safety; and

WHEREAS, Major Jones, following retirement from the state, served for a short period of time as a Public Safety Director for the City of Anniston; and

WHEREAS, in addition to the responsibilities of his career, Major Jones was professionally active as a member of the F.B.I. National Academy Associates, and as a member and former president of the Alabama Peace Officers Association; he also was a Mason and an Episcopalian; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of William Raynes Jones of Montgomery, Alabama, and do further direct that a copy of this resolution be forwarded to his daughter, Mary E. McLain; son, William R. Jones, Jr.; and to other family members that they all may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 438, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to receive the call of Districts for the Introduction of Bills and Resolutions later in the day.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Mikell:

H. J. R. 439. COMMENDING AUTHOR GENE WESTBROOK AND DESIGNATING "THE MAGNOLIA COLLECTION" AS AN OFFICIAL 1989 ALABAMA REUNION COOKBOOK.

WHEREAS, Alabama author Gene Westbrook of Robinson Springs has compiled and published "The Magnolia Collection," an original and well-received cookbook, with sales to date in excess of 30,000 copies; and

WHEREAS, truly a feast of fine recipes, "The Magnolia Collection" has been enthusiastically applauded for the variety of its fare, and for the witty, personal comments of the author; and

WHEREAS, we further note that "The Magnolia Collection" is a family affair in that the cover was designed by Mrs. Westbrook's daughter, Genia Westbrook Wolfe; the culinary artwork throughout the book was designed by her husband, Joe Westbrook, who also photographed the Southern flowers used as models for their daughter's illustrations; sons, Almand and Jay Westbrook, served as chief tasters and food critics; while Mrs. Westbrook's parents, Mr. and Mrs. Tommy Sparks, taught her the art of planning a "fun and food-filled" party; and

WHEREAS, "The Magnolia Collection" is indeed a superb compilation of recipes in the finest tradition of Southern hospitality; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Gene Westbrook of Robinson Springs, Alabama, on the success of her outstanding cookbook; we further designate "The Magnolia

Collection" as an official 1989 Alabama Reunion cookbook, and direct that a copy of this resolution be presented to the accomplished author.

On motion of Rep. Mikell, the rules were suspended and the resolution, H. J. R. 439, was adopted.

Also:

By Rep. Rains:

H. J. R. 440. MOURNING THE DEATH OF CLARENCE COLEMAN HARRIS OF ALBERTVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Clarence Coleman Harris of Albertville, Alabama, on April 2, 1989, at the age of 78 years; and

WHEREAS, a prominent agri-businessman in Alabama, Mr. Harris was an organizational force and charter member of the Alabama Pork Producers Association, was the initial President of the Sand Mountain Feeder Pig Association, the first such association in the State and one that he organized; he served as a member of the DeKalb County Pork Committee for twenty years and as a member of the Dekalb County Farmers Federation Board; and

WHEREAS, Mr. Harris was a dedicated Mason, belonging to Martin Lodge No. 869 of New Harmony and was Worshipful Master from 1953 to 1954; he belonged to the Order of the Eastern Star of Bertha Martin Chapter No. 496 where he has served as Worthy Patron; and

WHEREAS, he exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS, a devoted member and deacon of New Harmony Baptist Church, Mr. Harris gained respect and fond feelings of those who knew him whether friend or mere acquaintance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Clarence Coleman Harris of Albertville, Alabama, and extend sincere and deepest sympathy to his wife of fifty-one years, Edna Mae Harris; his three sons, Donald, Jerry L. and Marlon Harris; his daughter, Bobbie Nell; his step-mother, Luna Harris; his six grandchildren, four great-grandchildren and one great-great-grandchild, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 440, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Rains:

H. R. 441. MOURNING THE DEATH OF CLARENCE COLEMAN HARRIS OF ALBERTVILLE, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Venable, Mikell, and Poole:

H. J. R. 442. URGING THE UNITED STATES ARMY CORPS OF ENGINEERS TO INITIATE APPROPRIATE MEASURES TO IMPEDE RIVER EROSION AT FORT TOULOUSE/JACKSON PARK AND AT MOUNDVILLE STATE PARK.

WHEREAS, Fort Toulouse/Jackson Park is a National Historic Landmark containing the archaeological remains of 8000 years of aboriginal occupation, two periods of French wilderness fortifications (Fort Toulouse 1717 and Fort Toulouse 1751) and an early American fortification (Fort Jackson 1813), and is extremely significant to the State of Alabama and the nation; and

WHEREAS, Moundville State Park is a National Historic Landmark and is the largest Mississippian mound complex in the Southeastern United States and also is extremely significant to the State of Alabama and the nation; and

WHEREAS, archaeological and recreational sites at Fort Toulouse/Jackson Park and at Moundville State Park have been damaged by severe river bank erosion and are in danger of being destroyed by unchecked erosion; and

WHEREAS, the Alabama delegation has been instrumental in assisting the United States Army Corps of Engineers in developing solutions to the erosion problem at the parks, and in appropriating funds to conduct the erosion control projects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby encourage the United States Army Corps of Engineers to expend funds already appropriated for the purpose and to initiate the necessary measures to impede the river erosion at both Fort Toulouse/Jackson Park and at Moundville State Park.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded forthwith to the United States Army Corps of Engineers and to the Alabama Congressional Delegation in Washington, D. C.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 442, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Hall, Grayson, Freeman, and Sanderford:

H. R. 443. COMMENDING JERRY DAMSON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Turnham:

H. R. 444. COMMENDING BRIGADIER GENERAL TOLLY P. PICKETT OF LEE COUNTY, ALABAMA.

Also:

By Rep. Turnham:

H. R. 445. COMMENDING ALBERT F. KILLIAN ON HIS DISTINGUISHED MILITARY CAREER.

Also:

By Rep. Flowers:

H. R. 446. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL DEBATE TEAM.

Also:

By Rep. Flowers:

H. R. 447. HONORING OUR COLLEAGUE, JOE R. CAROTHERS, JR., OF DOTHAN, AND DESIGNATING HIM AS THE MOST EFFECTIVE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

Also:

By Rep. Flowers:

H. R. 448. HONORING OUR COLLEAGUE, JOHN P. BEASLEY OF COLUMBIA, AND DESIGNATING HIM AS THE MOST DEDICATED MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

Also:

By Rep. Flowers:

H. R. 449. HONORING OUR COLLEAGUE, GREG BEERS OF BIRMINGHAM, AND DESIGNATING HIM AS THE MOST HIGHLY RESPECTED MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

Also:

By Rep. Flowers:

H. R. 450. HONORING OUR COLLEAGUE, BOB MCKEE OF MONTGOMERY, AND DESIGNATING HIM AS THE MOST CONSERVATIVE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

Also:

By Rep. Flowers:

H. R. 451. HONORING OUR COLLEAGUE, E. A. (ED) GROUBY, JR., OF PRATTVILLE, AND DESIGNATING HIM AS THE MOST DISTINGUISHED MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

Also:

By Rep. Flowers:

H. R. 452. HONORING OUR COLLEAGUE, HOWARD SANDERFORD OF HUNTSVILLE, AND DESIGNATING HIM AS THE MOST

OUTSTANDING FRESHMAN MEMBER OF THE ALABAMA HOUSE
OF REPRESENTATIVES FOR 1989.

RECESS

On motion of Rep. Johnson (RW), the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to H. B. 1037, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Bryant, Burke, Buskey (JL), Butler, Campbell, Curry, Dillard, Ford, Freeman, Grayson, Grouby, Hall, Hamilton, Hammett, Headley, Higginbotham, Hill, Holley, Johnson (RW), Knight, Laird, Marks, McMillan, Moon, Newton (C), Parker, Payne, Petelos, Rogers, Sanderford, Seibels, Starkey, Turnham, White (G), White (L), Willis, Wright and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1037. Relating to Cherokee County; approving and authorizing the Cherokee County Commission to levy a certain increase in the ad valorem tax presently being levied in accordance with Amendment No. 373 to the Constitution of Alabama of 1901; providing that such increased countywide ad valorem tax shall be levied and collected by Cherokee County for each year beginning with the levy for the tax year October 1, 1989 to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2008 to September 30, 2009 (the tax for which year will be due and payable October 1, 2009) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Cherokee County at a special election called and held in accordance with the laws governing special elections.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Dillard, Escott, Ford, Freeman, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Holley, Johnson (RW), Marks, McMillan, Moon, Newton (C), Parker, Payne, Perdue, Petelos, Rogers, Sanderford, Spratt, Starkey, Turnham, White (G), White (L), Willis, Wright and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to H. B. 1038, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Brooks, Burke, Buskey (JL), Butler, Campbell, Curry, Dillard, Escott, Freeman, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RW), Knight, Marks, McMillan, Moon, Newton (C), Newton (D), Parker, Payne, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, White (L), Willis, Wright and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1038. To promote the maintenance of Cherokee County's natural beauty by eliminating unsightly and unhealthy litter; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant power and authority to the Cherokee County Health Department to enforce littering laws in Cherokee County; and to prescribe fines for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Curry, Dillard, Escott, Freeman, Grayson, Grouby, Hall,

Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RW), Knight, Logan, Marks, McMillan, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turnham, Walker, White (L), Willis, Wright and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution relating to H. B. 1044, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Curry, Escott, Freeman, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Logan, Marks, Mathis, McMillan, Melton, Moon, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Walker, White (L), Willis, Wright and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1044. Relating to Marengo County; providing for a certain expense allowance and a certain mileage allowance for the coroner and specifically repealing Act No. 79-522, H. 397, approved July 30, 1979 (Acts 1979, p. 934), Act No. 81-71, H. 86, approved February 26, 1981 (Acts 1981, p. 94), and Act No. 85-895, H. 82, approved September 19, 1985 (Acts 1985, Second Special Session, p. 154).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Curry, Dillard, Escott, Freeman, Grayson, Grouby, Hall, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Logan, Marks, Mathis, McMillan, Melton, Moon, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rogers, Sanderford,

Seibels, Slaughter, Spratt, Starkey, Turnham, Walker, White (G), White (L), Willis, Wright and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Knight, Budget Isolation Resolution relating to H. B. 1050, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Curry, Dillard, Escott, Freeman, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Logan, Marks, McMillan, Melton, Moon, Newton (D), Parker, Payne, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (G), White (L), Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1050. Relating to Shelby County; approving an increase of the three mill countywide ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by seven mills to ten mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional seven mill tax to be levied and collected by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1989, to September 30, 1990 (the tax for which year will be due and payable October 1, 1990) and ending with the levy for the tax year October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Shelby County at a special election called and held in accordance with the laws governing special elections.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Curry, Dillard, Escott, Grayson, Hamilton, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Logan, Marks, McMillan, Melton, Moon, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, White (G), Willis, Wright and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Davis, Budget Isolation Resolution relating to H. B. 872, was adopted.

Yeas 49; Nays 1.

Yeas:

Mr. Speaker, Black, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Campbell, Curry, Dillard, Escott, Freeman, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Marks, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Petelos, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (L), Willis, Wright and Zoghby.

—49

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 872. Relating to Jefferson County; to provide for the compensation and other benefits for the Tax Assessor and the Tax Collector and for method of payment and funding.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 2.

Yeas:

Mr. Speaker, Adams, Black, Brooks, Buskey (JL), Butler, Campbell, Curry, Dillard, Escott, Freeman, Grayson, Grouby, Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Logan, Marks, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Perdue, Petelos, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, White (L), Willis, Wright and Zoghby.

—48

Nays: Reps. Beers and Payne.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Biddle, Budget Isolation Resolution relating to H. B. 966, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bryant, Buskey (JL), Butler, Curry, Dillard, Escott, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Harvey, Headley, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Marks, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rogers, Slaughter, Spratt, Starkey, Venable, White (G), White (L), Willis, Wright and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 966. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Buskey (JL), Butler, Curry, Dillard, Escott, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Marks, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Venable, White (L), Willis, Wright and Zoghby.

—54

Nay: Rep. White (G).

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Butler, Budget Isolation Resolution relating to S. B. 509, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Clay, Curry, Dillard, Freeman, Grayson,

Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—58

And the bill:

S. 509. Relating to Dekalb County; authorizing and providing for the incorporation of the Dekalb County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Dekalb County Water Authority; permitting and authorizing merger of existing water systems or authorities with Dekalb County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such

authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Was read a third time at length and passed.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Buskey (JL), Butler, Clay, Curry, Dillard, Freeman, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Logan, Marks, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution relating to S. B. 592, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Buskey (JL), Butler, Clay, Curry, Dillard, Freeman, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—55

And the bill:

S. 592. To alter and rearrange the boundary lines of the City of Demopolis, Marengo County, Alabama, so as to include within the corporate limits of said city, in addition to the present territory included within the corporate limits, certain other territory.

Was read a third time at length and passed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Buskey (JL), Butler, Clay, Curry, Dillard, Freeman, Gray, Grouby, Hall,

Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Burke, Budget Isolation Resolution relating to H. B. 993, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Clay, Curry, Dillard, Freeman, Grouby, Hall, Hammett, Harvey, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—55

And the bill:

H. 993. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Valley Head in DeKalb County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Biddle, Black, Blakeney, Bryant, Bugg, Burke, Buskey (JL), Butler, Clay, Curry, Dillard, Grouby, Hamilton, Harvey, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (L), Willis, Wright and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Burke, Budget Isolation Resolution relating to H. B. 994, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Bryant, Burke, Buskey (JL), Butler, Clay, Curry, Dillard, Freeman, Grouby, Hall, Hamilton, Hammett, Harvey, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—53

And the bill:

H. 994. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hammondville in DeKalb County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Butler, Clay, Curry, Dillard, Freeman, Grouby, Hall, Hamilton, Hammett, Harvey, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (L), Willis, Wright and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution relating to H. B. 1049, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Brooks, Bryant, Buskey (JL), Butler, Clay, Curry, Dillard, Freeman, Grayson, Grouby, Hall, Hammett, Harvey, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Marks, McKee, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Sanderford, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (L), Willis, Wright and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1049. Relating to Blount County; amending Act No. 79-712, H. 782, 1979 Regular Session, providing for an expense allowance for members of the county board of education, so as to provide further for said expense allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Brooks, Bryant, Buskey (JL), Butler, Dillard, Freeman, Grayson, Grouby, Hall, Hamilton, Harvey, Hill, Hogan, Holley, Holmes, Johnson (RW), Kvalheim, Marks, McKee, McMillan, Melton, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Sanderford, Seibels, Spratt, Starkey, Turnham, Venable, Walker, White (L), Willis, Wright and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 1035, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Curry, Dillard, Freeman, Grayson, Grouby, Hall, Hamilton, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Logan, Marks, McKee, McMillan, Melton, Mikell, Moon, Newton (C), Parker, Payne, Penry, Rogers, Sanderford, Slaughter, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby,

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1035. To authorize the governing body of Wetumpka to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage

within Wetumpka, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Buskey (JL), Butler, Curry, Dillard, Freeman, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Logan, Marks, McKee, McMillan, Melton, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Rogers, Sanderford, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Perdue:

H. J. R. 453. COMMENDING DAMON DIXON FOR OUTSTANDING ATHLETIC AND ACADEMIC ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in highest honor and esteem, congratulates Damon Dixon, the Atlanta Journal-Constitution selection as men's Player of the Year in Georgia's state college division; and

WHEREAS, Damon Dixon, of Oklahoma City, Oklahoma, who attends Morehouse College on an academic scholarship, is a six-foot-four senior guard for the Maroon Tigers who has started for the Morehouse cagers since midway through his freshman year; and

WHEREAS, proving invaluable to the Tigers, Damon Dixon, this past season, helped lead Morehouse to a 24-5 record and a share of the Southern Intercollegiate Athletic Conference regular season championship; and

WHEREAS, in addition to his prowess on the court, however, Damon Dixon is an outstanding scholar who achieved an incredible 3.7 high school GPA and scored above 1100 on the Scholastic Aptitude Test; at Morehouse,

as a biology major and pre-med student, he carries a current 3.2 GPA and has been accepted by a number of medical schools, including Oklahoma and Kansas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, both as an athlete and scholar, we hereby commend Damon Dixon of Morehouse College, whom we hold in highest regard and to whom a copy of this resolution shall be forwarded.

On motion of Rep. Perdue, the rules were suspended and the resolution, H. J. R. 453, was adopted.

Also:

By Reps. Hooper and Hammett:

H. R. 454. COMMENDING RAY B. PETTY OF MONTGOMERY, ALABAMA, AND DESIGNATING APRIL 26, 1989, AS "RAY PETTY DAY."

WHEREAS, this is a special day for an outstanding citizen of Montgomery, Ray B. Petty, who today celebrates his fifth year as President of SouthTrust Bank, N.A., Montgomery; and

WHEREAS, Ray, just ten years ago, came to Montgomery as a Vice President of SouthTrust Bank and, during this period, has established an enviable record of leadership as a citizen, a friend to all who know him, and a religious and civic leader in every respect; and

WHEREAS, among many other involvements, he is on the Board of Directors of St. James School, the YMCA, Montgomery Area United Way (and Area Campaign Chairman in 1985), Committee of 100, Alabama Shakespeare Festival, and Business Committee of the Arts; and

WHEREAS, in professional achievement and as President of SouthTrust Bank for the past five years, Ray Petty has been a dominant force in increasing, more than four times, the size of the bank and in promoting the welfare and progress in the business affairs of Montgomery; and

WHEREAS, it is the consensus of this body that such an outstanding record deserves special honor and recognition; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby name and designate the 26th day of April 1989, "Ray Petty Day" in Alabama.

BE IT FURTHER RESOLVED, That in token of this honorary designation, a copy of this resolution shall be presented to Mr. Ray Petty.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. R. 454, was adopted.

Also:

By Rules Committee:

H. R. 455. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business in the order set forth below, shall be the special and

paramount order of business for the 23rd legislative day, Wednesday, April 26, 1989, taking precedence over any other business of the House:

BASEBALL—Each member, when recognized by the Speaker for Baseball, shall have the opportunity to bring up one (1) bill. The member shall have ten (10) minutes to explain the bill and have it voted on. The Speaker shall call in alternate House Districts, one from the top and then one from the bottom. When a House Bill has been called up and there is an identical Senate Bill on the House Calendar, it may be substituted for the House Bill.

SUBSTITUTE OFFERED

Rep. Freeman offered the following substitute to the resolution, H. R. 455:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business in the order set forth below, shall be the special and paramount order of business for the 23rd legislative day, Wednesday, April 26, 1989, taking precedence over any other business of the House:

BASEBALL—Each member, when recognized by the Speaker for Baseball, shall have the opportunity to bring up one (1) bill. The member shall have ten (10) minutes to explain the bill and have it voted on. The Speaker shall call in alternate House Districts, one from the top and then one from the bottom.

SUBSTITUTE TABLED

On motion of Rep. Ford, the substitute offered by Rep. Freeman was tabled.

Yeas 30; Nays 16.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Bryant, Bugg, Buskey (JL), Curry, Dillard, Harper, Harvey, Higginbotham, Holley, Hooper, Johnson (RW), McKee, Melton, Mikell, Newton (D), Payne, Penry, Perdue, Poole, Richardson, Seibels, Turnham, White (G), Willis and Zoghby.

—30

Nays:

Reps. Biddle, Brooks, Burke, Freeman, Grayson, Hammett, Hill, Knight, Laird, Moon, Newman, Newton (C), Rains, Venable, Walker and Wright.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

On motion of Rep. Ford, the resolution, H. R. 455, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded to the consideration of the Special Order.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution relating to H. B. 1005 was adopted.

Yeas 64; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Breedlove, Bryant, Bugg, Buskey (JL), Butler, Carothers, Clay, Cosby, Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Gray, Grayson, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis and Zoghby.

—64

Nays: Reps. Beers, Layson, Payne, Petelos and Wright.

—5

And the bill:

H. 1005. (With Substitute): To exempt from sales and use taxation, any mobile home set-up supplies and materials.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 so as to provide for the taxation of materials and supplies used for mobile home set-up at the rate of 2%.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-2 of the Code of Alabama 1975 is hereby amended as follows:

“40-23-2.

“There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

“(1) Upon every person, firm, or corporation, (including the state of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within this state, in business of selling at retail any tangible personal property

whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

“Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

“(2) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic, contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the state of Alabama, an amount equal to four percent of the gross receipts of any such business.

“(3) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; provided, that the term “machines,” as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(4) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto an amount equal to two percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile home set-up materials and supplies

provided, however, where a person subject to the tax provided for in this subdivision withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$5.00 per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

"Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Sales of automobiles, motorcycles, trucks, truck trailers, or semitrailers that will be registered or titled outside Alabama, that are exported or removed from Alabama within 72 hours by the purchaser or his agent for first use outside Alabama are not subject to the Alabama sales tax. Sales of other vehicles such as mobile homes, motor bikes, all terrain vehicles, and boats do not qualify for the export exemption provision and are taxable unless the dealer can provide factual evidence that the vehicle was delivered outside of Alabama or to a common carrier for transportation outside Alabama. In order for the sale to be exempt from Alabama tax, the information relative to the exempt sale must be documented on forms approved by the Revenue Department.

Of the total \$.02 tax on each dollar of sale provided hereunder, \$.015 or 75% of the total tax generated by this paragraph (4) shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated by this paragraph (4) shall be deposited to the credit of the State General Fund.

"(5) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of such business."

Section 2. Section 40-23-61 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-23-61.

"(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property or the amount of tax collected by the seller, whichever is greater; provided, however, when the

seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less, except as provided in subsections (b) and (c) of this section.

"(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half percent of the sales price of any such machine or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

"(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of two percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies as specified above, or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Of the total \$.02 tax on each dollar of sale provided hereunder, \$.015 or 75% of the total tax generated by this paragraph (c) shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated by this paragraph (c) shall be deposited to the credit of the State General Fund.

"(d) Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

"(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use or other consumption in the performance of a contract in this state of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) or (c) or this section apply."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental. It shall be construed in pari materia with other laws regulating exemption from taxation; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 64; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Clay, Crow, Curry, Dillard, Escott, Freeman, Gaston, Gray, Grayson, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Newman, Newton (C), Newton (D), Payne, Penry, Perdue, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (L), Williams, Willis and Zoghby.

—64

Nays: Reps. Petelos, White (G) and Wright.

—3

And the bill:

H. 1005. To amend Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 so as to provide for the taxation of materials and supplies used for mobile home set-up at the rate of 2%.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 63; Nays 11.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Clay, Cosby, Crow, Curry, Dillard, Escott, Gaston, Gray, Grayson, Hall, Hammett, Harper, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Newman, Newton (C), Newton (D), Penry, Perdue, Poole, Rains, Sanderford,

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Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (L), Williams, Willis and Zoghby.

—63

Nays:

Reps. Beers, Ford, Freeman, Harvey, Hill, Holley, Layson, Payne, Petelos, White (G) and Wright.

—11

And the bill:

H. 515. (With Substitute): To require a new NPDES permit be issued by the Alabama Department of Environmental Management for the discharge from the Theodore Industrial Canal area of municipal or industrial wastewater.

Which was carried over on the nineteenth legislative day was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize a new NPDES permit be issued by the Alabama Department of Environmental Management for the discharge from the Theodore Industrial Canal area of municipal or industrial wastewater.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Mobile County, the Alabama Department of Environmental Management is hereby authorized to issue a new NPDES permit for the discharge from the Theodore Industrial Canal area of south Mobile County of municipal or industrial wastewater. Provided, however, prior to the issuance of the new permit, field dye studies must be made by the department and the Mobile County Water and Sewer Board. Such studies shall be performed in accordance with procedures and guidelines established by and approved by Marine Environmental Sciences Consortium, Dauphin Island, Alabama (Sea Lab). The results of such studies shall be used by the department in making determinations regarding the issuance of such permits.

The department shall not have authority to issue the NPDES permit for the Theodore Outfall,

(a) unless the discharge point is located north of Galliard Island in Mobile Bay;

(b) unless all domestic wastewater is required to be treated to tertiary levels before discharge and all industrial wastewater is required to be treated to best available technology levels, with appropriate toxicity standards to protect the existing water quality of Mobile Bay;

(c) unless the Food and Drug Administration and the Alabama Department of Health shall first certify that the construction and operation of such outfall will not result in either agency issuing a recommendation or

order for the permanent closure of any existing commerical oyster reefs located anywhere in Mobile Bay; and

(d) unless the permit requires monthly monitoring within the Discharge Information Zone (DIZ), as established by the Coastal Zone Management Plan, by an independent entity that is conducted in accordance with guidelines and procedures established and approved by Sea Lab and such permit shall further provide that if there is a determination of any such detrimental impact on aquatic life within the DIZ, the permit shall be modified by the Department within 60 days after such findings in a manner that will assure no further detrimental impact on such aquatic life.

Any costs associated with any study or tests related to the issuance of a permit shall be borne by the applicant for the permit.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Hall, Hammett, Harper, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—64

And the bill:

H. 515. To authorize a new NPDES permit be issued by the Alabama Department of Environmental Management for the discharge from the Theodore Industrial Canal area of municipal or industrial wastewater.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 3.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Cosby, Crow, Curry, Dillard, Escott, Ford, Freeman, Hall, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (G), White (L), Williams, Willis and Wright.

—64

Nays: Reps. Gaston, Kvalheim and Zoghby.

—3

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hamilton, Budget Isolation Resolution relating to H. B. 602, was adopted.

Yeas 61; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Butler, Campbell, Carothers, Cosby, Crow, Dillard, Freeman, Gaston, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Kvalheim, Layson, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Starkey, Thomas, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—61

Nays: Reps. Curry, Gray and Laird.

—3

And the bill:

H. 602. To amend Sections 34-17-7, 34-17-21, 34-17-24, 34-17-25, and 34-17-26, Code of Alabama 1975, relating to landscape architecture, so as to provide that district attorneys shall be responsible for collecting certain fines and prosecuting certain violators, to provide further for the time when evidence of certain qualifications shall be submitted, to provide further for a penalty for late payment of fees, to provide further for delinquent annual fees, to provide that the board shall establish and prescribe fees for certain services and to provide for temporary licensing in certain situations and pursuant to certain requirements.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 18.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Burke, Butler, Campbell, Cosby, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Holmes, Kvalheim, Logan, Marks, McMillan, Melton, Mikell, Moon, Newman, Parker, Penry, Petelos, Rains, Rogers, Sanderford, Turner, White (L), Williams, Wright and Zoghby.

—39

Nays:

Reps. Beers, Brooks, Curry, Ford, Gray, Haynes, Hogan, Hooper, Johnson (RG), Knight, Laird, Layson, McKee, Newton (D), Perdue, Poole, White (G) and Willis.

—18

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 468, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Breedlove, Brooks, Burke, Butler, Campbell, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Seibels, Thomas, Turner, White (G), White (L), Williams, Willis, Wright and Zoghby.

—57

And the bill:

H. 468. (With Substitute): To amend Section 40-18-52, Code of Alabama 1975, to increase the punishment to a felony for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions, and to amend Section 40-1-33, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue. Section 40-1-33, Code of Alabama 1975, is also amended to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county, and municipal government tax agencies. Section 40-1-33 and Section 40-18-52 are further amended so as to exclude the orders of the revenue department's administrative law judge from the confidentiality provisions of the revenue code and makes said orders public documents.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions; to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies; and to amend Section 40-1-33 and Section 40-18-52 so as to exclude the orders of the revenue department's administrative law judge and testimony of witnesses in administrative hearings and in court from the confidentiality provisions of said statutes and makes said orders and testimony of witnesses public documents; and to specifically repeal Sections 40-23-29, 40-23-84, 40-14-57 and 40-17-202 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-18-52, Code of Alabama 1975, is hereby amended to read as follows:

“§40-18-52.

“(a) It shall be unlawful for any person to print or publish in any manner whatever the income tax return of any taxpayer or any part thereof or any information secured in arriving at the amount of the taxes due thereon or to divulge to any person whatever, except persons required or authorized to collect or audit or assist in collecting or auditing the returns or to use the information contained in any such return or acquired in auditing any such return or enforcing the provisions of this chapter title for any purpose except for the audit of such return and collection of the any tax imposed by this chapter title, unless the tax thereby imposed becomes delinquent, except in the normal course of obtaining collection of such tax; and any person violating the provisions of this section shall, for each act of disclosure, be deemed guilty of a Class A misdemeanor and, upon conviction for each act of disclosure shall be subject to a fine not to exceed \$50.00 \$2,000.00 or shall be sentenced to hard labor for the county a term of imprisonment in the county jail for not more than 30 days, one or one year or both for each offense, and upon conviction thereof any such person shall thereafter be ineligible to hold the office of commissioner or become or be an employee or agent of the department of revenue or under the department of revenue.

“(b) Any person making any affidavit required herein who shall knowingly swear falsely shall be guilty of perjury.

“~~Any assistant or agent of the department of revenue who shall willfully refuse to perform the duties imposed upon him by this chapter or by the department of revenue shall be deemed guilty of a misdemeanor and shall be fined not exceeding \$50.00 or sentenced to hard labor for the county for not more than 30 days, one or both, for each offense.~~

“(c) All income tax returns and information secured by income tax officials or employees for the purpose of arriving at income taxes shall be kept under lock and key by the department of revenue, and any official or employee of the state or of any county who shall divulge the contents thereof except under order of court shall be guilty of a Class A misdemeanor and upon conviction shall be subject to a fine of not more than \$50.00 \$2,000.00 or shall be sentenced to hard labor for the county a term of imprisonment in the county jail for not more than 30 days, one 1 year or both, and any person found guilty of violating this provision of this chapter title shall thereafter be ineligible to hold the office of commissioner or become or be an employee or agent of the department of revenue.

“(d) Nothing herein shall prohibit the use of income tax returns or income tax information by the department of revenue or, when and as authorized by the commissioner of revenue, county assessing officials in enforcement, collection, and assessment of any tax levied or imposed by this title. Furthermore, nothing in this section shall preclude the inspection of returns by federal or foreign state agents as provided under Section 40-18-53.

“(e) The decisions of the Department's administrative law judge and the testimony of anyone in any such departmental administrative hearings and in court shall not be covered by the provisions of this section and shall be open for inspection by the public.”

Section 2. Section 40-1-33, Code of Alabama 1975, is hereby amended to read as follows:

"§40-1-33.

"(a) All tax returns, financial statements and information secured by the department of revenue officials or employees thereof for the purpose of arriving at the amount of ~~ad valorem, franchise, income or license tax~~ any tax levied by this title shall be kept under lock and key by the department of revenue, and any official or employee of the department of revenue or any other individual who shall divulge the contents or permit the examination thereof except for (1) the purpose of properly administering the tax laws of this state, ~~or~~ (2) upon order of or regulation promulgated by the commissioner of the department of revenue, ~~and except under~~ (3) pursuant to the order of the a court, or (4) for the information of the legislature shall have committed be guilty of a Class A misdemeanor and upon conviction shall be subject to a fine of not more than \$50.00 \$2,000.00 or shall be sentenced to imprisonment in the county jail for not more than 1 year, or both, and shall thereafter be ineligible to be an employee or agent of the department of revenue; provided, that the provisions of this section shall not apply to returns filed and information secured under laws of this state levying or imposing excise taxes or inspection fees upon the sale of, use and other disposition of gasoline and other petroleum products.

"(b) The decisions of the Department's administrative law judge and the testimony of anyone in such departmental administrative hearings and in court shall not be covered by the provisions of this section and shall be open for inspection by the public.

"(c) The commissioner of revenue shall promulgate reasonable rules and regulations permitting and governing the exchange of tax returns, information, records and other documents secured by the department of revenue officials or other employees, with tax officers of other state, municipal, and county government agencies, federal government agencies, and any association of state government tax agencies, provided, however, that such exchange shall be for any of the following purposes:

"(1) collecting taxes due,

"(2) ascertaining the amount of taxes due from any person, firm, or corporation, and

"(3) determining whether a person, firm or corporation is liable for, or if there is probable cause for believing such person, firm or corporation might be liable for the payment of any tax to such federal, state, county or municipal government agency."

Section 3. The provisions of this act are severable. If any part of this act is held to be invalid or unconstitutional, such holding shall not affect the other parts which remain.

Section 4. The provisions of this act are supplemental. It shall be construed in pari materia with other laws regulating taxation; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed including, but not limited to, the following: Sections 40-23-29, 40-23-84, 40-14-57 and 40-17-202 of the Code of Alabama 1975.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Breedlove, Brooks, Bryant, Burke, Butler, Campbell, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Rains, Seibels, Spratt, Thomas, Turner, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 468. To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions; to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies; and to amend Section 40-1-33 and Section 40-18-52 so as to exclude the orders of the revenue department's administrative law judge and testimony of witnesses in administrative hearings and in court from the confidentiality provisions of said statutes and makes said orders and testimony of witnesses public documents; and to specifically repeal Sections 40-23-29, 40-23-84, 40-14-57 and 40-17-202 of the Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford,

Seibels, Slaughter, Spratt, Thomas, Turner, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 468:

Reps. Beers, Blake, Brooks, Burke, Butler, Clark (W), Cosby, Curry, Freeman, Gaston, Gray, Hall, Hammett, Harvey, Haynes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Melton, Mikell, Moon, Payne, Penry, Petelos, Poole, Rains, Sanderford, Thomas, Walker, White (G), White (L), Wright and Zoghby.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Butler, Budget Isolation Resolution relating to H. B. 747, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Clark (W), Cosby, Curry, Davis, Dillard, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Thomas, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 747. (With Substitute): To amend Sections 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; and to provide that such districts may receive certain property and make certain expenditures.

Was taken up.

The question was then on the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Sections 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; and to provide that such districts may receive certain property and make certain expenditures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, are hereby amended to read as follows:

“§11-98-2.

“The municipal governing body of any municipality may by enactment of an ordinance or the county governing body of any municipality or county may by ordinance passage of a resolution create within its respective jurisdiction communications districts composed of the territory lying wholly within the municipality or of any part or all of the territory lying wholly within the county. Such districts shall be political and legal subdivisions of the state, with power to sue and be sued in their corporate names and to incur debt and issue bonds. The bonds shall be negotiable instruments and shall be solely the obligations of the district and not the state of Alabama. The bonds and the income thereof shall be exempt from all taxation in the state of Alabama. The bonds shall be payable out of the income, revenues, and receipts of the district. The bonds shall be authorized and issued by resolution of the governing authority of the district and shall be of such series; bear such date or dates; mature at such time or times, not to exceed 30 years from issuance; bear interest at such rate or rates; be in such denominations; be in such form, without coupon or fully registered without coupon; carry such registration and exchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption; and be entitled to such priorities on the income, revenues, and receipts of the districts as such resolution may provide.

“All bonds shall contain a recital that they are issued pursuant to the provisions of this chapter, which recitals shall be conclusive that they have been duly authorized pursuant to the provisions of this chapter.

“§11-98-4.

“(a) When any district is created, the governing authority of any municipality or county creating such district may appoint a board of commissioners composed of seven members to govern its affairs, and shall fix the domicile of the board at any point within the district. The members of the board shall be qualified electors of the district, two of whom shall be appointed for terms of two years, three for terms of three years, and two for terms of four years, dating from the date of the adoption of the ordinance creating the district. Thereafter, all appointments of the members shall be for terms of four years.

“(b) The board of commissioners shall have complete and sole authority to appoint a chairman and any other officers it may deem necessary from among the membership of the board of commissioners.

“(c) A majority of the board of commissioners membership shall constitute a quorum and all official action of the board of commissioners shall require a quorum.

“(d) The board of commissioners shall have authority to employ such employees, experts, and consultants ~~as it may deem necessary~~ to assist the board of commissioners in the discharge of its responsibilities to the extent that funds are made available. Employees of state, county or municipal governments who obtain employment with a district under the provisions of this chapter, along with employees who left employment of a state, county or municipal government to obtain employment with a district created

pursuant to Section 11-98-2 of the Code of Alabama 1975, shall carry over rights and benefits earned, but nothing shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law. Such transferees may continue to enjoy employment conditions, including but not limited to, salary range and advancement at a level no less than those enjoyed prior to transfer to the districts. All time accumulated while engaged in such prior employment is to be credited toward all privileges enjoyed under the respective state, county or municipal government systems.

“(e) In lieu of appointing a board of commissioners, as provided in this chapter, the governing body of any municipality or county may serve as the board of commissioners of the district, in which case it shall assume all the powers and duties of the board of commissioners as provided in this chapter.

“§11-98-5.

“(a) The board of commissioners of the district may, when so authorized by a vote of a majority of the persons voting within the district in accordance with law, levy an emergency telephone service charge in an amount not to exceed five percent of the tariff rate. The governing body of the municipality or county may, upon its own initiative, call such a special election. Any such service charge shall have uniform application and shall be imposed throughout the entirety of the district to the greatest extent possible in conformity with availability of such service in any area of the district.

“(b) If the proceeds generated by an emergency telephone service charge exceed the amount of moneys necessary to fund the district, the board of commissioners shall, by ordinance, or resolution as provided in this act, reduce the service charge rate to an amount adequate to fund the district. In lieu of reducing the service charge rate, the board of commissioners may suspend such service charge, if the revenues generated therefrom exceed the district's needs. The board of commissioners may, ~~by ordinance,~~ reestablish the original emergency telephone service charge rate, or lift the suspension thereof, if the amount of moneys generated is not adequate to fund the district.

“(c) An emergency telephone service charge in an amount not to exceed 5 percent of the shall be imposed only upon the amount received from the tariff rate for exchange access lines shall be levied. If there is no separate exchange access charge stated in the service supplier's tariffs, the board of commissioners shall determine a uniform percentage not in excess of 85 per centum of the tariff rate for basic exchange telephone service that shall be deemed to be the equivalent of tariff rate exchange access lines, until such time as the service supplier establishes such a tariff rate. Such emergency telephone service charge cannot exceed the initial rate levied after the referendum except upon passage of a local act of the legislature after presentation of a resolution from the governing body of the county or municipality creating the emergency telephone district to the legislative delegation representing that emergency telephone district. Provided, however, in no event shall this rate exceed five percent of the exchange access rate. The percentage rate applied to businesses and residential access lines shall be the same. No such service charge shall be imposed upon more than 100 exchange access facilities per person per location. Every billed service user shall be liable for any service charge imposed under this subsection until it has been paid to the service supplier. The duty of the service supplier to collect any such service charge shall commence upon the date of its implementation, which shall be specified in the resolution calling the election. Any such emergency

telephone service charge shall be added to and may be stated separately in the billing by the service supplier to the service user.

“(d) The service supplier shall have no obligation to take any legal action to enforce the collection of any emergency telephone service charge. However, the service supplier shall annually provide the board of commissioners with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge. The service charge shall be collected at the same time as the tariff rate in accordance with the regular billing practice of the service supplier. Good faith compliance by the service supplier with this provision shall constitute a complete defense to any legal action or claim which may result from the service supplier's determination of nonpayment and/or the identification of service users in connection therewith.

“(e) The amounts collected by the service supplier attributable to any emergency telephone service charge shall be due quarterly. The amount of service charge collected in one calendar quarter by the service supplier shall be remitted to the district no later than 60 days after the close of a calendar quarter. On or before the sixtieth day after the close of a calendar quarter, a return, in such form as the board of commissioners and the service supplier agree upon, shall be filed with the district, together with a remittance of the amount of service charge collected payable to the district. The service supplier shall maintain records of the amount of the service charge collected for a period of at least two years from date of collection. The board of commissioners may, at its expense, require an annual audit of the service supplier's books and records with respect to the collection and remittance of the service charge. From the gross receipts to be remitted to the district, the service supplier shall be entitled to retain as an administrative fee, an amount equal to one percent thereof.

“(f) In order to provide additional funding or additional real or personal property for the district, the county or municipal governing body may receive federal, state, county or municipal real or personal property and funds, as well as funds from private sources, and may expend such funds or use such property for the purposes of this chapter.

“(g) With the agreement of the service supplier, two or more communications districts or a city or a county in another communication district may agree to cooperate to the extent practicable to provide funding and service to their respective areas.

“(h) It is consistent with the purposes of this chapter for a district to expend available funds to establish a common address/location identification program to facilitate efficient operation of the system.

“(i) Funds generated from emergency telephone service charges are to be used in first priority to purchase telephone communications equipment to provide for 911 or E911 service. Funds in excess of this may be used to purchase emergency radio communications equipment, to provide for facilities to house 911 or E911 services if provided for by a local act of the Legislature.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Sanderford offered the following substitute to the substitute reported by the Standing Committee on State Administration to the bill, H. 747:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 11-98-1, 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; and to provide that such districts may receive certain property and make certain expenditures;

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-98-1, 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, are hereby amended to read as follows;

“§11-98-1.

“As used in this chapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) EXCHANGE ACCESS FACILITIES. All lines, provided by the service suppliers for the provision of local exchange service, as defined in existing general subscriber services tariffs.

(2) TARIFF RATE. The rate or rates billed by a service supplier as stated in the service supplier's tariffs and approved by the public service commission, which represent the service supplier's recurring charges for exchange access facilities, exclusive of all taxes, fees, licenses, or similar charges whatsoever.

(3) DISTRICT. The communication district created pursuant to this chapter.

(4) SERVICE SUPPLIER. Any person providing exchange telephone service to any service user throughout the county or municipality.

(5) SERVICE USER. Any person, not otherwise exempt from taxation, who is provided exchange telephone service in the municipality or county.

(6) E911. Enhanced universal emergency number service or enhanced 911 service which is a telephone exchange communications service whereby a public safety answering point (PSAP) designated by the customer may receive telephone calls dialed to the telephone number 911. E911 service includes lines and equipment necessary for the answering, transferring and dispatching of public emergency telephone calls originated by persons within the serving area who dial 911 but does not include dial tone first which may be made available by the service provider based on the ability to recover the costs associated with its implementation and consistent with tariffs filed with and approved by the Alabama public service commission.

(7) UNIFORM APPLICATION. As used in this Act, “uniform application” means that the percentage rate to be charged or applied by the

communications district to the exchange access rate charged to business and residential access lines shall be the same.

(8) CREATING AUTHORITY. The "Creating Authority" is the municipal governing body of any municipality or the county governing body of any county which by passage of a resolution or ordinance creates a communications district within its respective jurisdiction in accordance with the provisions of this Act.

"§11-98-2.

"The municipal governing body of any municipality may by enactment of an ordinance or the county governing body of any municipality or county may by ordinance passage of a resolution create within its respective jurisdiction communications districts composed of the territory lying wholly within the municipality or of any part or all of the territory lying wholly within the county. Such districts shall be political and legal subdivisions of the state, with power to sue and be sued in their corporate names and to incur debt and issue bonds. The bonds shall be negotiable instruments and shall be solely the obligations of the district and not the State of Alabama. The bonds and the income thereof shall be exempt from all taxation in the State of Alabama. The bonds shall be payable out of the income, revenues, and receipts of the district. The bonds shall be authorized and issued by resolution of the governing authority of the district and shall be of such series; bear such date or dates; mature at such time or times, not to exceed 30 years from issuance; bear interest at such rate or rates; be in such denominations; be in such form, without coupon or fully registered without coupon; carry such registration and exchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption; and be entitled to such priorities on the income, revenues, and receipts of the district as such resolution may provide. "All bonds shall contain a recital that they are issued pursuant to the provisions of this chapter, which recitals shall be conclusive that they have been duly authorized pursuant to the provisions of this chapter.

§11-98-4.

"(a) When any district is created, the governing authority of any municipality or county creating such district Creating Authority may appoint a board of commissioners composed of seven members, to govern its affairs, and shall fix the domicile of the board at any point within the district. The members of the board shall be qualified electors of the district, two of whom shall be appointed for terms of two years, three for terms of three years, and two for terms of four years, dating from the date of the adoption of the ordinance creating the district. Thereafter, all appointments of the members shall be for terms of four years.

"(b) The board of commissioners shall have complete and sole authority to appoint a chairman and any other officers it may deem necessary from among the membership of the board of commissioners.

"(c) A majority of the board of commissioners membership shall constitute a quorum and all official action of the board of commissioners shall require a quorum.

"(d) The board of commissioners shall have authority to employ such employees, experts, and consultants as it may deem necessary to assist the board of commissioners in the discharge of its responsibilities to the extent that funds are made available. Employees of state, county or municipal

governments who obtain employment with a district under the provisions of this chapter, along with employees who left employment of a state, county or municipal government to obtain employment with a district created pursuant to Section 11-98-2 of the Code of Alabama 1975, shall carry over rights and benefits earned, but nothing shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law. Such transferees may continue to enjoy employment conditions, including but not limited to, salary range and advancement at a level no less than those enjoyed prior to transfer to the districts. All time accumulated while engaged in such prior employment is to be credited toward all privileges enjoyed under the respective state, county or municipal government systems.

“(e) In lieu of appointing a board of commissioners, as provided in this chapter, the governing body of any municipality or county may serve as the board of commissioners of the district, in which case it shall assume all the powers and duties of the board of commissioners as provided in this chapter.

“(f) The Board of Commissioners may elect to form a nonprofit public corporation with all of the powers and authority vested in such political and legal entities. The Certificate of Incorporation shall recite:

(1) That this is a public corporation and is a political and legal sub-division of the State of Alabama as defined in this Act.

(2) The location of its principal office.

(3) The name of the corporation.

(4) That the governing body is the Board of Commissioners.

(5) Contain a paragraph enumerating the following powers:

a. To have succession by its corporate name until dissolved;

b. To sue and be sued and to prosecute and defend civil actions in any court having jurisdiction of the subject matter and of the parties;

c. To make use of a corporate seal and to alter the same at its pleasure;

d. To adopt and alter bylaws for the regulation and conduct of its affairs and business;

e. To acquire, whether by purchase, gift, lease, devise or otherwise property of every description which the board may deem necessary, consistent with the provisions of §11-98-4 and to hold title thereof;

f. To construct, enlarge, equip, improve, maintain and operate one or more projects;

g. To borrow money for any of its corporate purposes;

h. To appoint and employ such agents, architects and attorneys as the business of the corporation may require;

i. To provide for such liability and hazard insurance as the board may deem advisable to include inclusion and or continuation of District employees in State, County or municipal liability insurance programs.

j. To contract, lease and make lease arrangements respecting its properties or any thereof; and

k. To sell and convey any of its properties, real or personal, which may have become obsolete or worn out or that may no longer be needed or useful in connection with or in the operations of any project.

(6) That upon dissolution all property (real and personal) and other assets, including cash, remaining after the payment of debts or other obligations shall become the property of the Creating Authority if the communications district which is being dissolved serves the jurisdiction of only one political subdivision having the authority to create a communications district pursuant to §11-98-2. If the communications district is composed of more than one political subdivision having the authority to create a communications district pursuant to §11-98-2 from which emergency telephone service charges have been collected for the communications district, then all such property and assets shall be distributed (in kind or in cash after sale of the property as the Board of Commissioners may deem appropriate) in proportion to the proceeds received from emergency telephone service charges paid by exchange access facilities within the respective political subdivisions involved. The political subdivision receiving such assets upon dissolution shall use said assets for purposes consistent with the requirements of this Act in connection with establishing or maintaining an emergency communication system.

(7) The name of the Chairman of the Board of Commissioners as the sole incorporator of this non-profit public corporation."

"(g) If the Board of Commissioners elects to form a nonprofit public corporation, its Certificate of Incorporation shall be submitted to the Creating Authority for approval. The Certificate of Incorporation may provide that the Board of Commissioners may determine the order of priority of acquisition of equipment and facilities to establish the emergency communication system.

"(h) The authority to determine the order of priority of acquisition of equipment and facilities to establish and maintain the emergency communication system may be retained by the Creating Authority, or may be given by the Creating Authority to the Board of Commissioners by ordinance, resolution or approval of a Certificate of Incorporation of the communication district containing such authority.

"§11-98-5.

"(a) The board of commissioners of the district may, when so authorized by a vote of a majority of the persons voting within the district in accordance with law, levy an emergency telephone service charge in an amount not to exceed five percent of the tariff rate. The governing body of the municipality or county may, upon its own initiative, call such a special election. Any such service charge shall have uniform application and shall be imposed throughout the entirety of the district to the greatest extent possible in conformity with availability of such service in any area of the district.

"(b) If the proceeds generated by an emergency telephone service charge exceed the amount of moneys necessary to fund the district, the board of commissioners shall, by ordinance, or resolution as provided in this act, reduce the service charge rate to an amount adequate to fund the district. In lieu of reducing the service charge rate, the board of commissioners may suspend such service charge, if the revenues generated therefrom exceed the district's needs. The board of commissioners may, by ordinance, reestablish the original emergency telephone service charge rate, or lift the suspension thereof, or establish a service charge rate necessary to fund the district (in

an amount not to exceed 5% of the tariff rate or the last rate approved by referendum, whichever is lower), if the amount of moneys generated is not adequate to fund the district.

“(c) An emergency telephone service charge in an amount not to exceed 5 percent of the shall be imposed only upon the amount received from the tariff rate for exchange access lines shall be levied. If there is no separate exchange access charge stated in the service supplier's tariffs, the board of commissioners shall determine a uniform percentage not in excess of 85 per centum of the tariff rate for basic exchange telephone service that shall be deemed to be the equivalent of tariff rate exchange access lines, until such time as the service supplier establishes such a tariff rate. Such emergency telephone service charge cannot exceed the initial rate levied after the referendum except upon passage of a resolution or ordinance by the Creating Authority after publication of the intended increase in rate in a manner consistent with the requirements for passage of a local act of the legislature. Provided, however, in no event shall this rate exceed five percent of the exchange access rate. The percentage rate applied to businesses and residential access lines shall be the same. No such service charge shall be imposed upon more than 100 exchange access facilities per person per location. Every billed service user shall be liable for any service charge imposed under this subsection until it has been paid to the service supplier. The duty of the service supplier to collect any such service charge shall commence upon the date of its implementation, which shall be specified in the resolution calling the election. Any such emergency telephone service charge shall be added to and shall be stated separately in the billing by the service supplier to the service user.

“(d) The service supplier shall have no obligation to take any legal action to enforce the collection of any emergency telephone service charge. However, the service supplier shall annually provide the board of commissioners with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge. The service charge shall be collected at the same time as the tariff rate in accordance with the regular billing practice of the service supplier. Good faith compliance by the service supplier with this provision shall constitute a complete defense to any legal action or claim which may result from the service supplier's determination of nonpayment and/or the identification of service users in connection therewith.

“(e) The amounts collected by the service supplier attributable to any emergency telephone service charge shall be due quarterly. The amount of service charge collected in one calendar quarter by the service supplier shall be remitted to the district no later than 10 days after the close of a calendar quarter. On or before the sixtieth day after the close of a calendar quarter, a return, in such form as the board of commissioners and the service supplier agree upon, shall be filed with the district, together with a remittance of the amount of service charge collected payable to the district. The service supplier shall maintain records of the amount of the service charge collected for a period of at least two years from date of collection. The board of commissioners may, at its expense, require an annual audit of the service supplier's books and records with respect to the collection and remittance of the service charge. From the gross receipts to be remitted to the district, the service supplier shall be entitled to retain as an administrative fee, an amount equal to one percent thereof.

“(f) In order to provide additional funding or additional real or personal property for the district, the county or municipal governing body may receive federal, state, county or municipal real or personal property and funds, as well as funds from private sources, and may expend such funds or use such property for the purposes of this chapter.

“(g) With the agreement of the service supplier, two or more communications districts or a city or a county in another communication district may agree to cooperate to the extent practicable to provide funding and service to their respective areas.

“(h) It is consistent with the purposes of this chapter for a district to expend available funds to establish a common address/location identification program to facilitate efficient operation of the system.

“(i) Funds generated from emergency telephone service charges shall be used to establish an emergency communication system which may, without limitation, consist of the following:

(1) Telephone communications equipment to be used in answering, transferring and dispatching of public emergency telephone calls originated by persons within the serving area who dial 911;

(2) Emergency radio communications equipment and facilities necessary to transmit “dispatch” calls or communications to emergency services which are intended to respond to the emergency telephone call; and

(3) Facilities to house 911 or E-911 services as services as defined in the Act.

The authority to establish the order of priority of purchase or provision of the various elements of the emergency communication system may be vested in the Board of Commissioners of the communications district in its Certificate of Incorporation. However, the Certificate of Incorporation containing such powers must be approved by the Creating Authority, or may be provided in an ordinance or resolution, as set forth in §11-98-4.

Section 2. All laws or parts of laws that conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Rep. Butler, the substitute offered by Rep. Sanderford, was tabled.

Yeas 40; Nays 5.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Breedlove, Bryant, Bugg, Burke, Buskey (JL), Butler, Clark (W), Cosby, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan,

Johnson (RG), Laird, Layson, Mathis, McClain, Moon, Newman, Parker, Poole, Seibels, Thomas, Walker, White (G), White (L), Willis and Wright.

—40

Nays: Reps. Brooks, Curry, Knight, Richardson and Sanderford.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Crow abstained from voting on the bill, H. 747 with pending substitutes for possible conflict of interest.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 747, and the substitute was adopted.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Clark (W), Cosby, Curry, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McDowell, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Thomas, Turner, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—60

Nay: Rep. Sanderford.

—1

And the bill:

H. 747. To amend Sections 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; and to provide that such districts may receive certain property and make certain expenditures.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Clark (W),

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Cosby, Curry, Davis, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McDowell, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—64

Nays: Reps. Harvey and Sanderford.

—2

BUDGET ISOLATION RESOLUTION

On motion of Rep. Kvalheim, Budget Isolation Resolution relating to H. B. 625, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—65

And the bill:

H. 625. To amend Section 40-9-1, Code of Alabama 1975, which provides for exemptions from ad valorem taxes, so as to exempt property owned by the Disabled American Veterans.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Clark (W), Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—69

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 515. To authorize a new NPDES permit be issued by the Alabama Department of Environmental Management for the discharge from the Theodore Industrial Canal area of municipal or industrial wastewater.

TOMMY CARTER,
Chairman.

And the bill, H. 515 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Dillard, Budget Isolation Resolution relating to H. B. 289, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

And the bill:

H. 289. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any such officer or employee shall be a member of any such county board of human resources.

Was taken up.

AMENDMENT OFFERED

Rep. Dillard offered the following amendment to the bill, H. 289:

Amend House Bill 289 on page 1, line 26, as follows: delete the words "such officer or employee" at the beginning of the line and add the words "person who is elected to public office, who is a candidate for public office, or who is an employee of the local Department of Human Resources" in lieu thereof.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W),

Colvin, Cosby, Curry, Davis, Dillard, Flowers, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Layson, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

And the bill:

H. 289. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any person who is elected to public office, who is a candidate for public office, or who is an employee of the local Department of Human Resources shall be a member of any such county board of human resources.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Dillard, Flowers, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Thomas, Turner, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gaston, Budget Isolation Resolution relating to H. B. 128, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Davis, Flowers, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Thomas, Turner, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

S. 388 SUBSTITUTED FOR H. 128

On motion of Rep. Gaston, the bill, S. 388, was substituted for the bill, H. 128.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gaston, Budget Isolation Resolution relating to S. B. 388 was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Crow, Davis, Flowers, Freeman, Gaston, Gray, Grayson, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Newman, Newton (C), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Thomas, Turner, Walker, White (L), Williams, Willis, Wright and Zoghby.

—61

And the bill:

S. 388. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

Was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Davis, Flowers, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kvalheim, Layson, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Thomas, Turner, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—68

H. 128 INDEFINITELY POSTPONED

On motion of Rep. Gaston, the bill:

H. 128. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of

Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

Was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marks, Budget Isolation Resolution relating to H. B. 70, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Carothers, Clay, Crow, Davis, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Thomas, Turner, Venable, Walker, White (G), White (L), Willis and Wright.

—65

And the bill:

H. 70. To amend Section 38-10-8, Code of Alabama 1975, which provides that the Department of Human Resources shall collect and disburse support payments, so as to provide that said support collections shall be deposited by the state treasurer in an interest-bearing account; to require the treasurer to credit all interest to the Public Welfare Trust Fund; and to appropriate said interest for general welfare purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Davis, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kvalheim, Layson, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Turner, Venable, White (G), White (L), Willis, Wright and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Walker, Budget Isolation Resolution relating to H. B. 605, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Curry, Davis, Dillard, Flowers, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Mikell, Newton (C), Payne, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Thomas, Turner, Walker, White (G), White (L), Willis and Zoghby.

—63

And the bill:

H. 605. To amend Act No. 952, H. 8, 1988 Second Special Session, which levies a state privilege tax on pari-mutuel pools, so as to provide remedial clarification regarding the intended pari-mutuel pools at the Mobile Greyhound Park subject to taxation under Act 88-952, and to provide that the amendments herein provided shall have a retroactive effect to October 30, 1988.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Davis, Dillard, Flowers, Frazier, Freeman, Gaston, Gray, Grayson, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McClain, McKee, Mikell, Newton (C), Payne, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Starkey, Thomas, Turner, Venable, Walker, White (G), White (L), Williams, Willis and Zoghby.

—68

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker Budget Isolation Resolution relating to H. B. 502, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Davis, Dillard, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Perdue, Poole,

Rains, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, Walker, White (G), White (L), Williams, Willis and Zoghby.

—65

S. 365 SUBSTITUTED FOR H. 502

On motion of Rep. Parker, the bill, S. 365, was substituted for the bill, H. 502.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker, Budget Isolation Resolution relating to S. B. 365 was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Dillard, Flowers, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Rains, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, White (G), White (L), Williams, Willis and Zoghby.

—67

And the bill:

S. 365. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

Was read a third time at length and passed.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Flowers, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Poole, Sanderford, Slaughter, Thomas, Turner, White (G), White (L), Williams, Willis and Zoghby.

—61

H. 502 INDEFINITELY POSTPONED

On motion of Rep. Parker, the bill:

H. 502. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become

members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

Was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 616, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Davis, Dillard, Frazier, Gaston, Gray, Grayson, Grouby, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Thomas, Turner, Walker, White (G), Willis, Wright and Zoghby.

—58

And the bill:

H. 616. Providing for a certain conditional appropriation from the state general fund to Senior Citizens Services, Incorporated for the 1989-90 fiscal year.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Clay, Colvin, Cosby, Crow, Davis, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Harper, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Kvalheim, Logan, Marks, Mathis, McClain, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Thomas, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—59

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 1005. To amend Sections 40-23-2 and 40-23-61 of the Code of Alabama 1975 so as to provide for the taxation of materials and supplies used for mobile home set-up at the rate of 2%.

TOMMY CARTER,
Chairman.

And the bill, H. 1005 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Brooks Budget Isolation Resolution relating to H. B. 297, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Cosby, Curry, Dillard, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Sanderford, Slaughter, Starkey, Venable, White (G), Williams, Willis, Wright and Zoghby.

—59

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 468. To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions; to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies; and to amend Section 40-1-33 and Section 40-18-52 so as to exclude, the orders of the revenue department's administrative law judge and testimony of witnesses in administrative hearings and in court from the confidentiality provisions of said statutes and makes said orders and testimony of witnesses public documents; and to specifically repeal Sections 40-23-29, 40-23-84, 40-14-57 and 40-17-202 of the Code of Alabama 1975.

TOMMY CARTER,
Chairman.

And the bill, H. 468 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 297. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Curry, Davis, Dillard, Flowers, Frazier, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Parker, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Starkey, Venable, White (G), White (L), Wright and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution relating to H. B. 359, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Curry, Davis, Flowers, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Kvalheim, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, White (G), Williams, Willis, Wright and Zoghby.

—64

And the bill:

H. 359. To amend Section 8-9-2, Code of Alabama 1975, so as to provide that commitments or agreements to lend money or delay or forebear repayment thereof or modify the provisions thereof be in writing; to provide for severability of the provisions of this Act; provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Was taken up.

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 359:

Amend H. B. 359, page 2, line 20 after the word "commitment" by striking the period and quote and inserting the following language:

except for consumer loans with a principal amount financed less than \$25,000¹³.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Crow, Curry, Davis, Dillard, Escott, Flowers, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 289. To amend Section 38-2-7, Code of Alabama 1975, which creates local county boards of human resources and specifies who may serve as members of such local boards, so as to state that no person who is related by consanguinity or affinity within the fourth degree or nearer under the civil law to any person who is elected to public office, who is a candidate for public office, or who is an employee of the local Department of Human Resources shall be a member of any such county board of human resources.

TOMMY CARTER,
Chairman.

And the bill, H. 289 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

S. 73 SUBSTITUTE FOR H. 359

On motion of Rep. Zoghby, the bill S. 73 was substituted for the bill, H. 359 as amended.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution relating to S. B. 73 was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Crow, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Seibels, Spratt, Turner, White (G), White (L), Williams, Willis and Zoghby.

—67

And the bill:

S. 73. To amend Section 8-9-2, Code of Alabama 1975, so as to provide that commitments or agreements to lend money or delay or forbear repayment thereof or modify the provisions thereof be in writing; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for and effective date.

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Crow, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Seibels, Spratt, Turner, Walker, White (G), Williams, Willis, Wright and Zoghby.

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H. 359 INDEFINITELY POSTPONED

On motion of Rep. Zoghby, the bill, H. 359 as amended, was indefinitely postponed.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 747. To amend Sections 11-98-2, 11-98-4 and 11-98-5, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; and to provide

that such districts may receive certain property and make certain expenditures.

TOMMY CARTER,
Chairman.

And the bill, H. 747 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hogan, Budget Isolation Resolution relating to H. B. 773, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Carothers, Colvin, Crow, Curry, Davis, Dillard, Escott, Flowers, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Turner, White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

And the bill:

H. 773. (With Amendment): To amend §32-6-291, Code of Alabama 1975, to provide guidance for the design of the distinctive motor vehicle license plate or tag authorized to nondisability retirees of the United States Armed Forces as provided for in §32-6-290 and to establish an effective date of issuance for such license plates or tags.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 1, line 12, after the word "Forces", insert the following language:

, National Guard retirees and military reservists with a minimum of 20 years;

And on page 1, line 24, after the numerals "290", insert the following language:

, National Guard retirees and military reservists with a minimum of 20 years;

Also, on page 1, line 30, after the word "persons", insert the following language:

, National Guard retirees and military reservists with a minimum of 20 years

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Dillard, Freeman, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McDowell, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 773. To amend §32-6-291, Code of Alabama 1975, to provide guidance for the design of the distinctive motor vehicle license plate or tag authorized to nondisability retirees of the United States Armed Forces as provided for in §32-6-290, National Guard retirees and military reservists with a minimum of 20 years; and to establish an effective date of issuance for such license plates or tags.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Cosby, Crow, Curry, Davis, Dillard, Escott, Freeman, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 773:

Reps. Beers, Blakeney, Breedlove, Bugg, Burke, Clay, Colvin, Crow, Curry, Dillard, Escott, Freeman, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, McKee, McMillan, Moon, Newman, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Spratt, Turner, White (G), White (L), Willis, Wright and Zoghby.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution relating to H. B. 115 was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Davis, Dillard, Escott, Freeman, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Turner, Venable, White (G), White (L), Willis, Wright and Zoghby.

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S. 61 SUBSTITUTED FOR H. 115

On motion of Rep. Box, the bill, S. 61, was substituted for the bill, H. 115.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution relating to S. B. 61 was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Davis, Dillard, Freeman, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Turner, Walker, White (G), White (L), Willis, Wright and Zoghby.

—67

And the bill:

S. 61. (With Substitute): To establish an Alabama Uniform Fraudulent Transfer Act and provide: definitions; provisions for debtor insolvency; to clarify the meaning of value; determination as to transfers fraudulent as to present and future creditors; determination as to when the transfer is made; remedies of creditors; provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished. This bill applies only to transfers made or obligations incurred after the effective date of this Act and further repeals Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended. The act will become effective January 1, 1990.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish an Alabama Uniform Fraudulent Transfer Act; to provide definitions; to provide for debtor insolvency; to clarify the meaning of value;

to provide for determination as to transfers fraudulent as to present and future creditors; to provide for determination as to when the transfer is made; to provide remedies of creditors, provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished; to provide for application of the act; to repeal Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended relating to fraudulent conveyances and assignments of property to defraud creditors; and to provide that the Act shall become effective January 1, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions.

As used in this Act:

(1) "Affiliate" means:

(i) a person who directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

(A) as a fiduciary or agent without sole discretionary power to vote the securities; or

(B) solely to secure a debt, if the person has not exercised the power to vote;

(ii) a corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person who directly or indirectly owns, controls, or holds, with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

(A) as a fiduciary or agent without sole power to vote the securities; or

(B) solely to secure a debt, if the person has not in fact exercised the power to vote;

(iii) a person whose business is operated by the debtor under a lease or other agreement or a person substantially all of whose assets are controlled by the debtor, or

(iv) a person who operates a debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

(2) "Asset" means property of a debtor, but the term does not include:

(i) property to the extent it is encumbered by a valid lien;

(ii) property to the extent it is generally exempt under nonbankruptcy law; or

(iii) an interest in property held in tenancy in common for life with cross contingent remainder to the survivor in fee to the extent it is not subject to process by a creditor holding a claim against only one tenant.

(3) "Claim" means a right to payment, whether or not the right is reduced to judgement, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(4) "Creditor" means a person who has a claim.

(5) "Debt" means liability on a claim.

(6) "Debtor" means a person who is liable on a claim.

(7) "Includes" is not a limiting term.

(8) "Insider" includes:

(i) if the debtor is an individual,

(A) a relative of the debtor or of a general partner of the debtor;

(B) a partnership in which the debtor is a general partner;

(C) a general partner in a partnership described in clause (B); or

(D) a corporation of which the debtor is a director, officer, or person in control;

(ii) if the debtor is a corporation,

(A) a director of the debtor;

(B) an officer of the debtor;

(C) a person in control of the debtor;

(D) a partnership in which the debtor is a general partner;

(E) a general partner in a partnership described in clause (D); or

(F) a relative of a general partner, director, officer, or person in control of the debtor, (iii) if the debtor is a partnership,

(A) a general partner in the debtor;

(B) a relative of a general partner in, a general partner of, or a person in control of the debtor;

(C) another partnership in which the debtor is a general partner;

(D) a general partner in a partnership described in clause (C); or

(E) a person in control of the debtor;

(iv) an affiliate, or an insider of an affiliate as if the affiliate were the debtor; and

(v) a managing agent of the debtor.

(9) "Lien" means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.

(10) "Person" means an individual, partnership, corporation, association, organization, government or governmental subdivision or agency, business trust, estate, trust, or any other legal or commercial entity.

(11) "Property" means both real and personal property, whether tangible or intangible, and any interest in property whether legal or equitable and includes anything that may be the subject of ownership.

(12) "Relative" means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

(13) "Transfer" means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

(14) "Valid lien" means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

Section 2. Insolvency.

(a) A debtor is insolvent if the sum of the debtor's debts is greater than all of the debtor's assets at a fair valuation.

(b) A debtor who is generally not paying his debts as they become due is presumed to be insolvent.

(c) A partnership is insolvent under subsection (a) if the sum of the partnership's debts is greater than the aggregate, at a fair valuation, of all of the partnership's assets and the sum of the excess of the value of each general partner's nonpartnership assets over the partner's nonpartnership debts.

(d) Assets under this section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this Act.

(e) Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

Section 3. Value.

(a) Value is given for a transfer if, in exchange for the transfer, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise to furnish support to the debtor or another person made otherwise than in the ordinary course of the promisor's business.

(b) For the purposes of Sections 4(c) and 5(a), a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

(c) A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

Section 4. Transfers Fraudulent as to Present and Future Creditors.

(a) A transfer made by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made if the debtor made the transfer with actual intent to hinder, delay or defraud any creditor of the debtor.

(b) In determining actual intent under subsection (a), consideration may be given, among other factors, to whether:

(1) the transfer was to an insider;

(2) the debtor retained possession or control of the property transferred after the transfer;

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- (3) the transfer was disclosed or concealed;
- (4) before the transfer was made the debtor had been sued or threatened with suit;
- (5) the transfer was of substantially all the debtor's assets;
- (6) the debtor absconded;
- (7) the debtor removed or concealed assets;
- (8) the value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred;
- (9) the debtor was insolvent or became insolvent shortly after the transfer was made;
- (10) the transfer occurred shortly before or shortly after a substantial debt was incurred; and
- (11) the debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

(c) A transfer made by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made, if the debtor made the transfer without receiving a reasonably equivalent value in exchange for the transfer and the debtor:

- (1) was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or
- (2) intended to incur, or believed or reasonably should have believed that he or she would incur, debts beyond his or her ability to pay as they become due.

Section 5. Transfers Fraudulent as to Present Creditors.

(a) A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the debtor made the transfer without receiving a reasonably equivalent value in exchange for the transfer and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer.

(b) A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt and the debtor was insolvent at that time and the insider had reasonable cause to believe that the debtor was insolvent.

Section 6. When Transfer is Made.

For the purposes of this Act:

- (1) a transfer is made:

- (i) with respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(ii) with respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this Act that is superior to the interest of the transferee;

(2) if applicable law permits the transfer to be perfected as provided in subdivision (1) and the transfer is not so perfected before the commencement of an action for relief under this [Act], the transfer is deemed made immediately before the commencement of the action;

(3) if applicable law does not permit the transfer to be perfected as provided in subdivision (1), the transfer is made when it becomes effective between the debtor and the transferee.

(4) except with respect to personal property and fixtures where a lender has perfected its security interest in such property in which event Section 6(1) (ii) shall apply, a transfer is not made until the debtor has acquired rights in the asset transferred;

Section 7. Remedies of Creditors.

(a) In an action for relief against a transfer under this Act, the remedies available to creditors, subject to the limitations in Section 8, include:

(1) avoidance of the transfer to the extent necessary to satisfy the creditor's claim;

(2) an attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by any applicable provision of any other statute or the Alabama Rules of Civil Procedure;

(3) subject to applicable principles of equity and in accordance with applicable rules of civil procedure,

(i) an injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(ii) appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(iii) any other relief the circumstances may require.

(b) If a creditor has obtained a judgement on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

Section 8. Defenses, Liability, and Protection of Transferee.

(a) A transfer is not voidable under Section 4(a) against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee who took in good faith.

(b) Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under Section 7(a) (1), the creditor may recover judgement for the value of the asset transferred, as adjusted under subsection (c), or the amount necessary to satisfy the creditors claim, whichever is less, or judgement for conveyance of the asset transferred. The judgement may be entered against:

(1) the first transferee of the asset or the person for whose benefit the transfer was made; or

(2) any subsequent transferee other than a good faith transferee who took for value or from any subsequent transferee.

(c) If the judgement under subsection (b) is based upon the value of the asset transferred, the judgement must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

(d) Notwithstanding voidability of a transfer under this Act, a good-faith transferee is entitled, to the extent of the value given the debtor for the transfer or to another person as a consequence of the debtor's making such transfer, to

(1) a lien on or a right to retain any interest in the asset transferred; or

(2) a reduction in the amount of the liability on the judgement.

(e) A transfer is not voidable under Section 4(c) or Section 5 if the transfer results from:

(1) termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or

(2) enforcement of a security interest in compliance with Article 9 of Title 7, Code of Alabama 1975 of the Uniform Commercial Code or a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor under a mortgage or deed of trust.

(f) A transfer is not voidable under Section 5(b):

(1) to the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless the new value was secured by a valid lien;

(2) if made in the ordinary course of business or financial affairs of the debtor and the insider; or

(3) if made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as antecedent debt of the debtor.

Section 9. Extinguishment of Claim for Relief.

A claim for relief with respect to a fraudulent transfer under this Act is extinguished unless action is brought:

(a) under Section 4(a) within 10 years after the transfer of real property was made.

(b) under Section 4(a) within 6 years after the transfer of personal property was made.

(c) under Section 4(c) or 5(a), within 4 years after the transfer was made when the action is brought by a creditor whose claim arose before the transfer was made.

(d) under Section 4(c), within 1 year after the transfer was made when the action is brought by a creditor whose claim arose after the transfer was made; or

(e) under Section 5(b), within 1 year after the transfer was made.

Section 10. Supplementary Provisions.

Unless displaced by the provisions of this Act, the principals of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement its provisions.

Section 11. Uniformity of Application and Construction.

This Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it.

Section 12. Short Title.

This Act may be cited as the Alabama Uniform Fraudulent Transfer Act.

Section 13. Repeal.

Alabama Code sections 8-9-6; 8-9-7; and 8-9-9 are hereby repealed.

Section 14. Applicability.

This Act is applied to transfers made after the effective date of the Act.

Section 15. Severability.

If any provision of this Act or the applicability thereof is held to be invalid, the remaining provisions of this Act shall not be affected.

Section 16. This Act shall become effective January 1, 1990.

And the substitute was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Curry, Dillard, Escott, Freeman, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Turner, Walker, White (G), White (L), Willis, Wright and Zoghby.

—66

And the bill, S. 61 as thus amended, was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W),

Clay, Crow, Curry, Davis, Dillard, Escott, Freeman, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Turner, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—69

H. 115 INDEFINITELY POSTPONED

On motion of Rep. Box, the bill:

H. 115. To establish an Alabama Uniform Fraudulent Transfer Act and provide: definitions; provisions of debtor insolvency; to clarify the meaning of value; determination as to transfers fraudulent as to present and future creditors; determination as to when the transfer is made; remedies of creditors; provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished. This bill applies only to transfers made or obligations incurred after the effective date of this Act and further repeals Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended. The bill will become effective January 1, 1990.

Was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Layson, Budget Isolation Resolution relating to H. B. 23 was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Carothers, Clay, Curry, Davis, Dillard, Grouby, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Kvalheim, Laird, Marks, Mathis, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Sanderford, Seibels, Walker, White (G), White (L), Wright and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 23. (With Substitute): To require local school boards in Alabama to provide a minimum ten (10) clock hour hunter safety unit of instruction, developed by the Department of Conservation and Natural Resources in conjunction with the State Department of Education, as an elective for junior high school students.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To allow local school boards in Alabama to provide a minimum ten (10) clock hour hunter safety unit of instruction, developed by the Department of Conservation and Natural Resources in conjunction with the State Department of Education, as an elective for junior and/or senior high school students.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Each county and city board of education, in its discretion, is hereby authorized to provide, in accordance with rules and regulations of the Alabama State Board of Education, for the infusion of an elective minimum ten (10) clock hour hunter safety unit of instruction in the most appropriate existing courses offered in junior high schools. The hunter safety unit is to be considered an elective unit and shall be offered in courses of instruction available to all junior high school level students.

Section 2. The Department of Conservation and Natural Resources shall develop in conjunction with the State Department of Education a minimum ten (10) clock hour hunter safety unit of instruction. The hunter safety unit of instruction, upon approval by the State Department of Education, may be infused into appropriate existing courses offered at the junior and/or senior high school level by all local boards of education.

Section 3. The Department of Conservation and Natural Resources shall provide instructors to train public school personnel to teach the hunter safety unit as described in this act. In addition to providing training for school personnel the Department of Conservation and Natural Resources shall provide instructional material and equipment for the classes. If the local school board furnishes sufficient proof to the Director of the Game and Fish Division of the Department of Conservation and Natural Resources of an inability to furnish adequate public school personnel to teach the hunter safety unit at a particular junior high school, the Department of Conservation and Natural Resources shall furnish personnel to teach the prescribed hunter safety unit in that school.

Section 4. County and city boards of education, in their discretion, are hereby authorized to determine the appropriate school grade levels and title of courses to be utilized for the infusion of the minimum ten (10) clock hour hunter safety unit of instruction. All schedules and training programs must be coordinated through each local board of education.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective at the beginning of the 1989-90 school year upon its passage and approval by the Governor, or upon its otherwise becoming law.

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And the substitute was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Carothers, Clay, Crow, Curry, Davis, Dillard, Escott, Freeman, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kvalheim, Laird, Logan, Marks, Mathis, McDowell, McKee, McMillan, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—61

And the bill:

H. 23. To allow local school boards in Alabama to provide a minimum ten (10) clock hour hunter safety unit of instruction, developed by the Department of Conservation and Natural Resources in conjunction with the State Department of Education, as an elective for junior and/or senior high school students.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Clay, Colvin, Crow, Curry, Davis, Dillard, Freeman, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—62

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. McMillan, the Budget Isolation Resolution and the bill, H. 545, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 509. Relating to Dekalb County; authorizing and providing for the incorporation of the Dekalb County Water Authority as a public corporation for the purposes of: coordinating and allocating funds received by grants or appropriations for public water extensions; adopting standards by which funds are allocated for public water extensions within areas of the county; coordinating waterline extensions with existing water authorities within the

county so that duplication will not occur; coordinating plans for acquisition or construction of filtration plants, water plants, storage tanks, waterlines and pumping stations for economical and efficient distribution of water within the county; providing water in areas where no public water systems provide such service, or coordinating through existing water authorities the extension of waterlines to areas not previously served; determining which existing water authority shall have the right to serve areas of the county not presently served by a public water authority or whether such area may be served by the Dekalb County Water Authority; permitting and authorizing merger of existing water systems or authorities with Dekalb County Water Authority with the merged entity becoming responsible for the bonded indebtedness of such water authorities; authorizing the same powers granted herein pertaining to water and its supply, to garbage and sewer service; providing for and authorizing the certificate of incorporation and bylaws of such authority to be amended at any time and from time to time; providing for the appointment and election of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate, and improve one or more waterworks plants, water distribution systems, garbage or sewer facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water, garbage or sewer service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system or other property to such authority providing that the rendition by such authority of water, sewer or garbage service or facilities is a governmental function and exempting such authority from all tort liability in connection with water, sewer or garbage service; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

S. 592. To alter and rearrange the boundary lines of the City of Demopolis, Marengo County, Alabama, so as to include within the corporate

limits of said city, in addition to the present territory included within the corporate limits, certain other territory.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 365. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system.

Also:

S. 388. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman, Budget Isolation Resolution relating to H. B. 37, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Curry, Davis, Dillard, Escott, Flowers, Gaston, Grayson, Hammett, Higginbotham, Hogan, Holley, Holmes, Knight, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (G), White (L), Willis, Wright and Zoghby.

—55

And the bill:

H. 37. (With Amendment): To amend Section 32-5-243, Code of Alabama 1975, relating to the lighting equipment and warning devices for vehicles engaged in the U. S. mail service so as to provide further for said lighting devices.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Highway Safety, said committee amendment being as follows:

Amend H. B. 37 on Page 2, Section 1, Subsection (4), line 17 by striking after the words "width of" the following word: ~~stroke~~ and inserting in lieu thereof the word strobe

Further amend on Page 2, Section 1, Subsection (7), line 33 by striking after the word "colored" the following word: ~~stroke~~ and inserting in lieu thereof the word strobe

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Davis, Dillard, Escott, Flowers, Freeman, Gaston, Grayson, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—67

And the bill, H. 37 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Reps. Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Crow, Curry, Davis, Dillard,

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Escott, Flowers, Freeman, Gaston, Grayson, Hall, Hammett, Haynes, Hill, Holley, Holmes, Johnson (RG), Knight, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—65

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 37 as amended:

Reps. Beers, Breedlove, Bugg, Butler, Carothers, Hogan, Holmes, Knight, Mathis, Moon, Newman, Payne, Rains, Richardson, Sanderford, White (G) and White (L).

BUDGET ISOLATION RESOLUTION

On motion of Rep. Penry, Budget Isolation Resolution relating to H. B. 159, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clay, Crow, Curry, Dillard, Flowers, Gaston, Grayson, Grouby, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Layson, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Walker, White (G), White (L), Willis, Wright and Zoghby.

—61

And the bill:

H. 159. To authorize the State Board of Health to inspect waters in which oysters are harvested and to close the oyster beds where the waters are declared unsafe for harvesting oysters for human consumption and to set a penalty for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Curry, Flowers, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Logan, Mathis, McKee, McMillan, Moon, Newman, Payne, Penry, Petelos, Poole, Rains, Richardson,

Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—62

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to H. B. 74, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Campbell, Carothers, Curry, Dillard, Flowers, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Higginbotham, Hill, Holmes, Knight, Kvalheim, Marks, Mathis, McKee, Moon, Newman, Newton (C), Newton (D), Payne, Petelos, Rains, Sanderford, Seibels, Slaughter, Spratt, Turner, Turnham, Venable, Walker, White (G), Willis, Wright and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 74. To amend §2-27-9, which provides for registration of pesticides and for appealing the action of the Commissioner in refusing to register a pesticide by increasing registration fees from \$15.00 per year to \$50.00 per year and to provide a delinquent penalty of \$50.00; to provide for registration of special local needs pesticides.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Campbell, Carothers, Curry, Davis, Dillard, Ford, Gaston, Grayson, Grouby, Hamilton, Hammett, Haynes, Higginbotham, Hill, Holmes, Johnson (RG), Knight, Kvalheim, Logan, Marks, Mathis, McKee, Moon, Newman, Newton (D), Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Turner, Turnham, Venable, Walker, White (G), Willis, Wright and Zoghby.

—51

Nays: Reps. Freeman, Hall and Parker.

—3

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to H. B. 43, was adopted.

Yeas 55; Nays 0.

Yeas:

Reps. Beasley, Beers, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Carothers, Clark (W), Clay, Crow, Curry, Davis, Escott, Flowers, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Logan, Marks, Mathis, McDowell, Newton (D), Parker, Payne, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Walker, White (G), Willis, Wright and Zoghby.

—55

And the bill:

H. 43. (With Amendment): Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service up to 24 months for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration of such option.

Was taken up.

SUBSTITUTE OFFERED

Rep. Hammett offered the following substitute to the bill, H. 43, and to the pending amendment reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All employees of state junior colleges and state technical colleges who have been in such service for five years or more and who are participating in the Teachers' Retirement System of Alabama on the effective date of this act may elect to purchase credit for any time they were on leave of absence from such service between the dates of March 30, 1984, and July 1, 1986.

Section 2. Any employee electing to purchase credit pursuant to section 1 of this act shall pay to the secretary-treasurer within one year after the effective date of this act, a lump sum payment equal to a percentage of the current annual salary of such person; the applicable percentage shall be the sum of the prevailing percentage rates of employer and member contributions as required by the most recent actuarial valuation.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beers, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Crow, Curry, Davis, Dillard, Escott, Freeman, Gaston, Grayson, Hall, Hammett, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, Mathis, McDowell, Mikell, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, White (G), White (L), Willis, Wright and Zoghby.

—59

S. 142 SUBSTITUTED FOR H. 43

On motion of Rep. Hammett, the bill, S. 142, was substituted for the bill, H. 43 as amended.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to S. B. 142 was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Brooks, Bryant, Burke, Butler, Carothers, Clay, Crow, Curry, Davis, Dillard, Escott, Flowers, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Haynes, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, Mathis, McDowell, McKee, Mikell, Newton (D), Parker, Payne, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, White (G), White (L), Willis, Wright and Zoghby.

—59

And the bill:

S. 142. (With Substitute): Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All employees of state junior colleges and state technical colleges who have been in such service for five years or more and who are participating in the Teachers' Retirement System of Alabama on the effective date of this act may elect to purchase credit for any time they were on leave of absence from such service between the dates of March 30, 1984, and July 1, 1986.

Section 2. Any employee electing to purchase credit pursuant to section 1 of this act shall pay to the secretary-treasurer within one year after the effective date of this act, a lump sum payment equal to a percentage of the current annual salary of such person; the applicable percentage shall be the sum of the prevailing percentage rates of employer and member contributions as required by the most recent actuarial valuation.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Bryant, Buskey (JL), Butler, Carothers, Clay, Crow, Curry, Davis, Dillard, Gaston, Goodwin, Grayson, Hogan, Holley, Holmes, Hooper, Johnson (RW), Knight, Laird, Logan, Marks, Mathis, McDowell, McKee, Mikell, Newton (D), Parker, Perdue, Richardson, Rogers, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Walker, White (L), Willis and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 142 as thus amended, was read a third time at length and passed.

Yeas 61; Nays 1.

Yeas:

Reps. Beasley, Beers, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Crow, Curry, Davis, Dillard, Escott, Flowers, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Laird, Logan, Marks, Mathis, McDowell, McKee, Mikell, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, White (G), White (L), Willis, Wright and Zoghby.

—61

Nay: Rep. Johnson (RW).

—1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Hammett would have voted "Yea" on the bill, S. 142, had he been in the Chamber at the time of voting.

H. 43 INDEFINITELY POSTPONED

On motion of Rep. Hammett, the bill, H. 43 as amended, was indefinitely postponed.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 23. To allow local school boards in Alabama to provide a minimum ten (10) clock hour hunter safety unit of instruction, developed by the Department of Conservation and Natural Resources in conjunction with the State Department of Education, as an elective for junior and/or senior high school students.

TOMMY CARTER,
Chairman.

And the bill, H. 23 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 876. (With Amendments): To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

Which was carried over on the twenty-first legislative day was taken up.

SUBSTITUTE OFFERED

Rep. Grayson offered the following substitute to the pending substitute offered by Rep. Melton to the bill, H. 876, and to the pending amendments reported by the Standing Committee on Education:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28, Code of Alabama 1975, are hereby amended to read as follows:

“§16-49-20.

“There is hereby created a board of trustees for Alabama Agricultural and Mechanical University, a state land-grant educational institution at Huntsville. The board of trustees shall consist of 11 members, two who shall reside in the congressional district in which the institution is situated; one member shall reside in each of the remaining congressional districts in the state as constituted on September 5, 1975; three members shall be selected from the state-at-large, who shall reside in different districts; and the governor, who shall be ex officio president of the board. Other ex officio non-voting members shall include the president of the student government association, the president of the faculty senate and the president of the staff senate of the Alabama Agricultural and Mechanical University. The trustees shall be appointed by the governor, by and with the advice and consent of the senate. The membership shall include at least ~~three graduates of six members who have earned the Baccalaureate Degree from Alabama Agriculture and Mechanical University.~~ All other members shall have not less than a Bachelors Degree. No member presently serving as of January, 1989 shall have his or her current term of office terminated because of these provisions. Except for the first trustees appointed, trustees shall hold office for a term of six years. All appointments shall be effective upon confirmation by the senate. The board shall be divided into three classes so that one third shall be appointed biennially. Of the first members appointed to the board, three shall be designated by the governor to serve until January 31, 1978; four until January 31, 1980; and four to serve until January 31, 1982. A trustee may be appointed to serve a second term of six years, but no trustee shall be appointed to serve more than a total of 12 years. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of duties as such. No member of the governing board or employee of any public postsecondary educational institution, no person who has attained the seventy-first birthday prior to appointment, no elected or appointed official, and no employee of the state of Alabama having the power of review of the Alabama Agricultural and Mechanical University budget, other than the governor, shall be eligible to serve on the board of trustees. ~~No member shall serve past September 30 after reaching his seventy-first birthday.~~”

"§16-49-26.

~~"The board of trustees of Alabama Agricultural and Mechanical University shall hold the regular meetings in June and October of each year. The regular annual meeting shall be held at the university on the fourth Thursday in October, unless the board shall, in regular session, determine to hold its meeting at some other another time and place in October. Special meetings of the board may be assembled by either one of the two methods outlined as follows:~~

~~"(1) Special meetings of the board may be called by the governor. In calling such special meetings the governor shall mail a written notice to each trustee naming the time and place thereof, at least 10 days in advance of the date of such meeting.~~

~~"(2) Upon the application in writing of any four members of the board, the governor shall call a special meeting, naming the time and place thereof and causing notices to be issued in writing to the several members of the board. Such meeting shall not be held on a date less than 10 days subsequent to the notices from the governor. The board of trustees may prescribe other regular times for meetings. Upon the written application of five members of the board filed with the secretary of the board, or of any four members and the president pro tempore, the president pro tempore shall call a meeting and issue notice thereof to the several members, but such special meeting shall not be appointed for a day less than ten days subsequent to the date of the notice. In case there is no president pro tempore of the board, or in case the president pro tempore is incapacitated to act, then the governor, as president of the board, shall upon the written application of five members, in like manner call such special meeting."~~

"§16-49-27.

~~"Eight Seven~~ members, exclusive of the governor, of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present."

"§16-49-28.

"The certificate of the president of the board or, in his absence, of the president pro tempore, countersigned by the secretary, shall entitle the several trustees and ex officio members to the payment of their actual expenses incurred in the discharge of their duties as such trustees, in conformity with regulations governing travel expenses of state officials."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 876 TEMPORARILY CARRIED OVER

On motion of Rep. Grayson, the bill, H. 876, and pending substitutes and amendments were temporarily carried over.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 773. To amend §32-6-291, Code of Alabama 1975, to provide guidance for the design of the distinctive motor vehicle license plate or tag

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authorized to nondisability retirees of the United States Armed Forces as provided for in §32-6-290, National Guard retirees and military reservists with a minimum of 20 years; and to establish an effective date of issuance for such license plates or tags.

TOMMY CARTER,
Chairman.

And the bill, H. 773 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution relating to H. B. 755, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Curry, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 755. (With Amendment): To amend Code of Alabama, 1975, §22-30-11, to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 USC 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

Was taken up.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, H. 755:

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama, 1975, § 22-30-11, to provide for additional definitions and to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which

prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 U.S.C. § 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature finds that:

(1) The generation, management, and disposal of hazardous wastes is a cause of continuing concern to the citizens of this state;

(2) The State of Alabama has a responsibility to protect the public health, welfare, and safety of its citizens by and through the enactment of laws designed to protect and preserve the environment from the health risks and endangerments associated with the treatment and disposal of hazardous wastes;

(3) The United States Congress, recognizing the serious health threats and risks posed by the treatment and disposal of hazardous wastes to public health and the environment, enacted the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") 42 U.S.C. § 9604(c)(9), as amended, which requires that each state demonstrate by October 17, 1989, that it has adequate capacity to treat, destroy, or secure disposition of all hazardous waste reasonably expected to be generated within the state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility located within its borders, or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority;

(4) In enacting the capacity assurance requirements, Congress recognized that local pressures have impeded the siting of new hazardous waste treatment and disposal facilities in the nation in the past several years, and that if the federal Resource Conservation and Recovery Act as amended ("RCRA") and CERCLA are to work properly, such additional sites must be made available. Since Alabama is already bearing far more than its fair share of the burden of managing hazardous wastes, it is only equitable that new capacity be developed in other states which have failed to assume their own obligations to site such facilities.

(5) Both Congress and the U. S. Environmental Protection Agency have recognized that the capacity assurance provisions of CERCLA would be used to force the development of new capacity to manage hazardous wastes. Implicit in the CERCLA capacity-assurance procedure is a recognition that an importing state might refuse to enter into an agreement with an exporting state, requiring the exporting state to create available capacity through waste reduction or through siting new facilities, or enter into an agreement with another state to manage these wastes;

(6) The State of Alabama has enacted and implemented an approved program for the handling and disposal of hazardous wastes within its borders, known as the "Hazardous Wastes Management and Minimization Act," and has established regulations and guidelines for the treatment, storage, and

disposal of all hazardous wastes generated within the state, and continues to evaluate and update those regulations and guidelines;

(7) The State of Alabama, since 1978, has had an adequate capacity for the destruction, treatment, or secure disposition of all hazardous wastes that are reasonably expected to be generated within the state over the next 20 years through the establishment and continued existence of commercial hazardous waste facilities within the state;

(8) The State of Alabama has, since 1978, accepted for treatment and disposal, disproportionate amounts of hazardous wastes generated within the borders of other states which have not taken steps to provide the assurance required by 42 U.S.C. § 9604(c)(9);

(9) The constant influx of large volumes of hazardous wastes entering this state over and through congested state, county, and municipal highways and roads, coupled with the ever-increasing potential for traffic accidents and mishaps involving hazardous waste transporters, and the likelihood of leaks, spills, and/or explosions of said hazardous wastes resulting therefrom, altogether pose and unreasonable and unjustifiable risk to the health, safety, and welfare of Alabama's citizens;

(10) The State of Alabama lacks the financial resources and trained personnel necessary to cope with the serious dangers and risks associated with the transportation within this state of the ever-increasing volumes of hazardous wastes generated out of state, and, as a consequence, it can no longer adequately insure the safety and protection of its citizens from these hazards;

(11) While the use of landfills for the disposal of hazardous wastes is presently an approved method of hazard waste management, the federal and state governments are implementing phased bans on land disposal and CERCLA describes the landfilling of wastes as the least desirable regulatory technology;

(12) The State of Alabama has a genuine and significant interest in protecting its citizens and its environment from the unencumbered influx of hazardous waste generated in states which do not responsibly provide for the treatment, storage, and disposal of hazardous wastes within their own borders or which refuse to enter into an interstate or regional agreement to share the responsibilities of safe and effective hazardous waste management as required by CERCLA, as amended;

(13) The State of Alabama is compelled by the actions of other states which refuse to responsibly provide for hazardous waste treatment, storage, and disposal within their own borders or fail to cooperate in an interstate or regional plan for hazardous waste management, to enact legislation establishing a comprehensive waste management program in compliance with CERCLA, and which safeguards against the irresponsibility of other states which do not have adequate hazardous waste management programs by prohibiting the treatment, storage, or disposal of hazardous waste in Alabama which are generated in a state which does not allow hazardous waste treatment or disposal facilities within that state or which has not entered into an interstate or regional agreement to assure availability of hazardous waste treatment or disposal facilities.

(14) The imposition of the requirements contained in this legislation will encourage the development of new waste disposal facilities in other states in accord with the intentions of the Congress in enacting Section 42

U.S.C. § 9604(c)(9), and will have the beneficial effect of reducing, in an orderly manner, the nation's dependence on landfilling as a methodology for disposing of hazardous wastes.

Section 2. Code of Alabama, 1975, as amended, § 22-30-11, is hereby amended as follows:

"22-30-11(a) The department acting through the commission, is authorized to promulgate, and may revise when appropriate, rules and regulations, guidelines, criteria and standards for all hazardous waste management practices.

(b) It is unlawful for any person who owns or operates a commercial hazardous waste treatment or disposal facility within this state to dispose or treat any hazardous wastes generated in any state outside the State of Alabama which:

(i) prohibits by law or regulation the treatment or disposal of hazardous wastes within that state and which has no facility permitted or existing within that state for the treatment or disposal of hazardous wastes; or

(ii) has no facility permitted or existing within that state for the treatment or disposal of hazardous wastes; unless that state has entered into an interstate or regional agreement for the safe disposal of hazardous wastes pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act. The department shall establish and maintain a list of states from which hazardous wastes cannot be accepted for treatment or disposal pursuant to this paragraph and there shall be no liability under the paragraph for disposal of wastes from a state until fifteen (15) days after a state has been listed by the Department. Such list shall be publicly available and set forth the reasons why each state is listed. The date on which a state is included on such list shall be provided. The list of states shall be revised monthly. The state of generation as shown on the hazardous waste manifest shall be used in determining whether a person has treated or disposed of waste in violation of this subsection, and any person who alters the state of generation on any manifest or misrepresents the state of generation of any hazardous waste for the purpose of circumventing this statute shall be punishable in accordance with Section 22-30-19 herein.

(c) Subsequent to the effective date of this Act, no commercial hazardous waste treatment or disposal facility operating in this state may contract with states other than the State of Alabama in order to satisfy the capacity assurance programs required by 42 U.S.C. § 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended."

(d) For the purpose of this section, the following additional terms are defined:

(1) AGREEMENT. Any interstate or regional contract or agreement made pursuant to capacity assurance requirements of Section 42 U.S.C. § 9604(c)(9) of CERCLA and which one of the signatories to such contract or agreement is the State of Alabama.

(2) COMMERCIAL HAZARDOUS WASTE TREATMENT OR DISPOSAL FACILITY. A facility which receives for disposal only, or for treatment and disposal, hazardous wastes that are not generated on-site and to which facility a fee is paid or other consideration given for such treatment or disposal.

(3) OPERATOR. The person responsible for overall operations of a commercial hazardous waste treatment or disposal facility.

(4) REGION(AL). Region(al) shall mean any or all of the following states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

(5) STATE OF GENERATION. A state of the United States in which the hazardous waste is generated in the form in which it is received by a commercial hazardous waste treatment or disposal facility located in Alabama for treatment or disposal.

Section 3. The provisions of this act are cumulative and shall not be deemed to repeal existing laws.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 5. This act shall become effective one hundred twenty (120) days after its passage and approval by the Governor, or upon its otherwise becoming a law except that Section 2(c) shall become effective immediately upon this Act becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 755. To amend Code of Alabama, 1975, §22-30-11, to provide for additional definitions and to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 U.S.C. § 9604(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Buskey (JE), Butler, Carothers, Clark (W), Clay, Crow, Curry, Dillard, Escott, Flowers, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, Mathis, McDowell, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis and Wright.

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CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 755:

Reps. Beasley, Beers, Blake, Brooks, Bugg, Burke, Butler, Carothers, Clark (W), Colvin, Crow, Dillard, Ford, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Rains, Richardson, Sanderford, Seibels, Spratt, Turner, White (G), White (L), Williams, Willis and Wright.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Brooks, Budget Isolation Resolution relating to H. B. 116, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Butler, Carothers, Crow, Curry, Dillard, Escott, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Hogan, Holmes, Hooper, Johnson (RG), Knight, Laird, Layson, Logan, Marks, Mathis, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 116. (With Amendment): To further provide for the tax liability of certain retailers who rely on legally issued state tax exempt numbers when users violate the tax exempt privilege; to authorize the state department of revenue to collect the tax from the user of the tax exemption number and certain others; to specifically provide that certain retailers are exempt from tax liability.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 116, page 1, section 1, line 28 as follows:

Insert a comma immediately following the word "notwithstanding"

Further amend House Bill 116, page 1, section 1, lines 29 and 30 by striking therefrom the following:

delete the words "~~legally issued, state tax exempt number~~"

and insert therein the following language:

"state sales tax exemption number that has been authorized by the state revenue department and the exemption claim has been made on a form provided or approved for use by the revenue department,"

Further amend House Bill 116, page 1, section 1, line 30 as follows:

delete the words "~~such user~~"

and insert therein the following language:

"a state tax exemption number holder"

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Butler, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, Mathis, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

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And the bill, H. 116, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Beasley, Budget Isolation Resolution relating to H. B. 376, was adopted.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Curry, Dillard, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Parker, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nay: Rep. Laird.

—1

And the bill:

H. 376. (With Substitute): To amend Section 7-4-104(1)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a "banking day"; and to provide for severability of the provisions of this Act; and to provide an effective date.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Banking, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 7-4-104(1)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a "banking day" for purposes of Title 7, Article 4; to provide for severability of the provisions of this Act; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 7-4-104, Code of Alabama 1975, is hereby amended to read as follows:

"§ 7-4-104. Definitions and index of definitions.

(1) In this article unless the context otherwise requires:

(a) "Account" means any account with a bank and includes a checking, time, interest or savings account;

(b) "Afternoon" means the period of a day between noon and midnight;

(c) "Banking day" means that part of any day, excluding Saturday, on which a bank is open to the public for carrying on substantially all of its banking functions;

(d) "Clearinghouse" means any association of banks or other payors regularly clearing items;

(e) "Customer" means any person having an account with a bank or for whom a bank has agreed to collect items and includes a bank carrying an account with another bank;

(f) "Documentary draft" means any negotiable or nonnegotiable draft with accompanying documents, securities or other papers to be delivered against honor of the draft;

(g) "Item" means any instrument for the payment of money even though it is not negotiable but does not include money;

(h) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;

(i) "Properly payable" includes the availability of funds for payment at the time of decision to pay or dishonor;

(j) "Settle" means to pay in cash, by clearinghouse settlement, in a charge or credit or by remittance, or otherwise as instructed. A settlement may be either provisional or final;

(k) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

(2) Other definitions applying to this article and the sections in which they appear are:

"Collecting bank." Section 7-4-105.

"Depository bank." Section 7-4-105.

"Intermediary bank." Section 7-4-105.

"Payor bank." Section 7-4-105.

"Presenting bank." Section 7-4-105.

"Remitting bank." Section 7-4-105.

(3) The following definitions in other articles apply to this article:

"Acceptance." Section 7-3-410.

"Certificate of deposit." Section 7-3-104.

"Certification." Section 7-3-411.

"Check." Section 7-3-104.

"Draft." Section 7-3-104.

"Holder in due course." Section 7-3-302.

"Notice of dishonor." Section 7-3-508.

"Presentment." Section 7-3-504.

"Protest." Section 7-3-509.

"Secondary party." Section 7-3-102.

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby amended or repealed to the extent of such conflict as necessary to permit the full effectiveness of this Act; provided however, this Act shall not repeal or amend the provisions of Section 5-5A-30, Code of Alabama 1975.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Box, Breedlove, Brooks, Burke, Buskey (JE), Butler, Campbell, Clark (W), Curry, Dillard, Escott, Flowers, Ford, Gaston, Grayson, Grouby, Hammett, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newton (D), Parker, Petelos, Poole, Richardson, Sanderford, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 62. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON HEALTH INSURANCE FOR STATE EMPLOYEES AND TEACHERS.

Also:

S. J. R. 140. COMMENDING CHARLOTTE DRAPER OF VALLEY ELEMENTARY SCHOOL, PELHAM, ALABAMA.

Also:

S. J. R. 165. HONORING HIS EMINENCE ARCHBISHOP IAKOVOS, PRIMATE OF THE GREEK ORTHODOX CHURCH OF NORTH AND SOUTH AMERICA.

Also:

S. J. R. 167. MOURNING THE DEATH OF JACK SEALS OF TALLADEGA, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 73. To amend Section 8-9-2, Code of Alabama 1975, so as to provide that commitments or agreements to lend money or delay or forbear repayment thereof or modify the provisions thereof be in writing; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

S. 214 SUBSTITUTED FOR H. 376

On motion of Rep. Beasley, the bill, S. 214, was substituted for the bill, H. 376.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (C), Budget Isolation Resolution relating to S. B. 214 was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Box, Breedlove, Brooks, Burke, Buskey (JL), Butler, Campbell, Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Newton (D), Parker, Petelos, Poole, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Turnham, Venable, White (L), Willis, Wright and Zoghby.

—58

And the bill:

S. 214. To amend Section 7-4-104(1)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a "banking day" for purposes of Title 7, Article 4; to provide for severability of the provisions of this Act; and to provide for an effective date.

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Petelos, Poole, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—69

H. 376 INDEFINITELY POSTPONED

On motion of Rep. Newton (C), the bill, H. 376 as amended, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell Budget Isolation Resolution relating to H. B. 491, was adopted.

Yeas 63; Nays 3.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Logan, Marks, Mathis, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turnham, Venable, White (G), White (L), Willis and Wright.

—63

Nays: Reps. Beasley, Laird and Turner.

—3

And the bill:

H. 491. (With Amendment): Relating to gas and oil; amending Section 9-17-13 of the Code of Alabama 1975, so as to provide further for the integration, pooling, cycling, repressuring, pressure maintenance or secondary recovery on gas and oil wells.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Oil and Gas, said committee amendment being as follows:

Amend H. B. 491, page 8, immediately following line 31 by adding the following subsection "(f)

"(f) This section shall apply only to unitization of interests within a drilling unit and shall not apply to field or pool units as may be authorized and governed under the provisions of article 3 of this chapter."

And the amendment was adopted.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Clark (W), Clay, Crow, Curry, Dillard, Escott, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

Nay: Rep. Turner.

—1

And the bill, H. 491 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 4.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Clark (W), Clay, Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis and Wright.

—69

Nays: Reps. Beasley, Laird, Mathis and Turner.

—4

CO-SPONSOR ADDED

Rep. Butler was added as co-sponsor to the bill, H. 491.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McMillan Budget Isolation Resolution relating to H. B. 545, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Goodwin, Gray, Grouby,

Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—72

And the bill:

H. 545. (With Substitute): To create and establish the Alabama School of Math and Science; to provide for legislative intent; definitions; board of directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To create and establish the Alabama High School of Mathematics and Science; to provide for legislative intent; definitions; board of directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the intent of the legislature to establish an independent, residential school for certain high school students with the express purpose of providing a more challenging educational experience for the gifted and talented children of this state and of developing such children to their full potential.

Section 2. For the purposes of this act, the following words and phrases shall have the respective meanings ascribed by this section, except when the context clearly indicates a different meaning:

- (1) "Department" means the state department of education.
- (2) "School" means the Alabama High School of Mathematics and Science.
- (3) "State Board" means the State Board of Education.
- (4) "State Superintendent" means the State Superintendent of Education.

Section 3. (a) There is hereby created a pilot program to be called the Alabama High School of Mathematics and Science, which shall be a residential institution located in Mobile County, at a site to be determined by the board of directors. The school shall open and formally begin operation with the fall semester of 1991. The school shall be funded by the state from

monies appropriated therefor; or grants, donations and funds from any other sources, including corporations, individuals and foundations.

(b) The school shall be governed by a board of directors whose membership, powers, duties, and responsibilities shall be as hereinafter provided.

(c) The school shall coordinate its programs and curriculum with the Department of Education, but shall be independent of the control of the state superintendent and of all local and state education boards except its board of directors, except where otherwise provided by this act.

Section 4. (a) There is hereby created a board of directors for the school, sometimes hereinafter referred to as the "board." The board shall be composed of twenty-one members as follows:

(1) The state department of education assistant state superintendent in charge of curriculum development.

(2) The chancellor or his designee of the University of Alabama System.

(3) The president or his designee of Auburn University.

(4) The president or his designee of the University of South Alabama.

(5) The president or his designee of Alabama A&M University.

(6) Chairman, Alabama High School of Mathematics and Science Foundation.

(7) The chairman or his designee of the House Standing Committee on Education.

(8) The chairman or his designee of the Senate Standing Committee on Education.

(9) The chairman of the House Standing Committee on Ways and Means.

(10) The chairman of the Senate Standing Committee on Finance and Taxation.

(11) Coordinator of Mobile County Special Education.

(12) One instructor who is a member of the faculty, elected annually by faculty members.

(13) Nine members to be appointed by the Governor, one from each congressional district and two members appointed at large, who must be residents of Mobile or Baldwin Counties, all of whom must be from business and industry; at least two of the appointees must be minorities.

(b) The terms of the nine members appointed by the Governor shall be for six years, except for original appointees who shall serve staggered terms with 3 appointees serving 2 years, 3 appointees serving 4 years and 3 appointees serving 6 years. The terms of the initial members who are elected officials shall commence with their appointment, run concurrently with their terms of office and shall end when their successors take office; however, all members may succeed themselves.

(c) (1) The board is hereby authorized to:

a. Accept donations, bequests, or other forms of financial assistance for educational purposes from any public or private person or agency and comply

with rules and regulations governing grants from the federal government or from any other person or agency, which are not in contravention of the constitution and laws.

b. Purchase land and equipment and make improvements to facilities necessary for the use of the school, in accordance with applicable law.

c. Lease land or other property belonging to it or to the school.

d. Sell or exchange land or other real property not needed for school purposes, but only when specifically authorized by law and then only in accordance with the procedures provided for the sale of unused school lands. The sale shall be authorized by resolution adopted by the board, and the act of sale shall be signed by the president of the board or such other person to whom the signing may be delegated by the board in the authorizing resolution.

e. Adopt, amend, or repeal rules, regulations, and policies necessary or proper for the conduct of the business of the board.

f. Award certificates and issue diplomas for successful completion of programs of study. All such certificates and diplomas shall be in addition to a regular high school diploma which shall be issued by the state board in accordance with state law to any student who successfully completes the program of study adopted by the board.

g. Enter into contracts and agreements which have been recommended by the director, in accordance with applicable law, and to the extent that funds are specifically appropriated therefor, with other public agencies with respect to cooperative enterprises and undertakings related to or associated with an educational purpose or program affecting education in the school. This shall not preclude the board from entering into other such contracts and agreements that it may deem necessary to carry out its duties and functions.

h. Perform such other functions as are necessary to the supervision and control of those phases of education under its supervision and control.

i. The board shall delegate to the director such of its powers and duties as it deems appropriate to aid the director in the efficient administration of his responsibility for the implementation of the policies of the board.

(2) In addition to the authorities granted herein and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

a. Adopt rules, regulations, and policies necessary for the efficient operation of the school.

b. Establish criteria to be used in determining eligibility of applicants for enrollment.

c. Determine subjects and extracurricular activities to be offered. Such subjects shall initially be subject to approval by the state board, and thereafter, changes in the subjects shall be subject to approval by the state board.

d. Select a director who shall be the chief administrative officer of the school and who shall administer the rules, regulations, and policies adopted by the board pursuant hereto. The director shall also be the chief administrative officer of the board and shall be responsible for all the administrative functions, duties, and needs of the board. Until such time as the board

selects a director, the state superintendent of education shall serve as the chief administrative officer of the board and shall be responsible for the duties of the director as they relate to the board. The state superintendent of education shall relinquish such administrative duties to the director when such director officially assumes his duties with the board.

e. Determine faculty and staff positions necessary for the efficient operation of the school and select personnel for such positions.

f. Prepare and adopt an annual budget necessary for the continued operation of the school.

g. Pay the expenses, per diem, and travel expenses of the board and its members, which shall be the same as allowed state employees when the board member is traveling on board business. Pay the salaries and expenses, including but not necessarily restricted to facilities, equipment, and supplies of the faculty and staff of the school out of funds appropriated or otherwise made available for the operating and administrative expenses of the board and the school.

h. Exercise budgetary responsibility and allocate for expenditure by the school and programs under its jurisdiction all monies appropriated or otherwise made available for purposes of the board and of such school and programs.

i. Prescribe and select for use in the school free school books and other materials of instruction for children enrolled in the school and programs under its jurisdiction for which the legislature provides funds. Wherever practical, the board shall select the same school books and other materials of instruction as are adopted by the state board.

j. Prepare and adopt or approve programs of study and rules, bylaws, and regulations for the discipline of students and for the government of the school and programs under its jurisdiction, which shall not be inconsistent with law and which shall be enforced by the staff and faculty of the school. Such programs of study shall initially be subject to approval by the state board, and thereafter, any changes in such programs of study shall be subject to approval by the state board.

k. Notwithstanding any provisions of law to the contrary, prescribe the qualifications and provide for the certification of teachers.

l. Notwithstanding any provision of law to the contrary, adopt rules and regulations under which faculty members may become permanent employees of the school.

m. Develop and adopt a formula or system under which students shall be admitted. Such formula or system shall be sufficient to insure that at least one qualified applicant for admission from within the geographical boundaries of each city and county school system shall be eligible for admission to the school each year. If no qualified applicant from a city or county public school system applies for admission, then the slot(s) available to that school system shall be lost to that system for that school year and shall be reallocated by the board to provide for the admission of qualified applicants from other public systems.

n. Adopt rules and regulations to provide for the evaluation of any applicant who has not been evaluated but who meets all other criteria for participation in the program.

(d) Twelve members of the board shall constitute a quorum for the transaction of business, and all official action of the board shall require the favorable vote of a majority of those members present and voting.

(e) Members of the board shall be compensated for all actual vouchered expenses incurred in the performance of their duties and functions as required by this act. Such expenses shall be paid by the Director from funds appropriated therefor by the legislature and upon the warrant of the board.

(f) The board of directors shall serve as the local educational agency for the school.

Section 5. (a) The school shall, at the discretion of the Board, operate on the same school year basis as all other public schools in Alabama. Full-time students shall be enrolled for the entire school year and may enroll in the summer program.

(b) A summer program shall be offered for full-time students and for students who qualify to attend the school during such period.

(c) The school shall also offer short courses, workshops, seminars, weekend instructional programs, and other innovative programs which can be used to offer instruction to students not enrolled as full-time students in the school.

(d) The school, at the discretion of its board of directors may provide extension courses and campuses on the campuses of other colleges and universities within the State of Alabama.

Section 6. Whenever possible, the school shall offer such extracurricular activities as may be found in any public secondary school in the state. The Mobile County public school system shall, to the extent practicable and allowable by law, allow the students of the school to participate in any extracurricular activities the system may offer which the school cannot.

Section 7. The school shall primarily admit high school juniors and seniors; however, the board of directors may provide for an "early admission year" to allow the admission of students who are not yet high school juniors when the abilities of such students are so exceptional as to warrant such early entry.

Section 8. There is hereby conditionally appropriated the sum of three hundred thousand dollars (\$300,000) from the Alabama Special Educational Trust Fund to the Alabama High School of Mathematics and Science for the fiscal year ending September 30, 1990. Said appropriation shall be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.

Section 9. Nothing in this act shall be so construed as to prohibit or prevent the board from accepting federal funds or monies from any corporation or other private contributor for use in operating the school or providing programs by the school.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its other wise becoming a law.

And the substitute was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Burke, Buskey (JE), Buskey (JL), Campbell, Clark (W), Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—69

AMENDMENT OFFERED

Rep. McMillan offered the following amendment to the bill, H. 545 as amended:

On page 9, line 14, insert a new Section 10 and renumber subsequent sections accordingly.

Section 10. It is not the intent of this legislature to conflict with existing or future programs of the Alabama School of Fine Arts as created by Act No. 1203, H. J. R. 145, Regular Session 1971 (Acts 1971, p. 2089).

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—74

And the bill:

H. 545. To create and establish the Alabama High School of Mathematics and Science; to provide for legislative intent; definitions; board of directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—73

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 1022, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—64

And the bill:

H. 1022. Making the following amendments to Section 27-27-44, Code of Alabama, 1975, pertaining to the process by which a mutual insurance company may convert to a stock insurance company: subdivision (b) (4) is amended to allow for greater flexibility in defining the class of policyholders eligible to receive distributions of stock or surplus as a result of the conversion; and, subdivision (b) (5) is amended to allow for the distribution of stock in a proposed parent corporation of the converting insurer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McDowell, McMillan, Mikell, Moon,

Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution relating to H. B. 451, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—66

And the bill:

H. 451. (With Substitute): To exempt the Farm Crisis and Transition Program Commission, its employees and unpaid volunteers, from civil liability for any act done by them in connection with activity in the Farm Crisis Program; to require that any information divulged by a person seeking aid under the Farm Crisis Program, concerning finances or financial status, be deemed confidential and divulging said information by the Farm Crisis Commission, its employees or volunteers, to the public is a Class C misdemeanor.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To exempt for civil liability any negligent act, with the exception of acts amounting to willful or wanton misconduct, or fraud, or gross negligence committed by the Farm Crisis and Transition Program Commission, its employees, unpaid volunteers, or independent contractors hired by the Commission to work in the farm crisis program when said negligent acts are a direct result of work in the farm crisis program; to require that any information divulged by a person seeking aid under the farm crisis program, concerning finances or financial status be deemed confidential and divulging said information by the Farm Crisis Commission, its employees, its independent contractors or volunteers, to the public is a Class C misdemeanor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any member of the Farm Crisis and Transition Program Commission, as authorized under the provisions of §2-6A-2, or any employee of said Commission, or any person employed by said Commission as an independent contractor, or any person working as an unpaid volunteer with said Commission, shall not be civilly liable for any act done as a result of any activity in or for the Farm Crisis and Transition Program, unless such act amounts to willful or wanton misconduct, or fraud, or gross negligence. To be released from civil liability, said activity must be of the type previously approved by the program coordinator appointed under §2-6A-3.

Section 2. No member of the Farm Crisis and Transition Commission, its employees, its independent contractors or its volunteers shall divulge any information given to them by a person seeking aid under the Program, which concerns the finances or financial status of the person seeking aid. Any member of the Commission, its employees, its independent contractors or volunteers divulging said information except to Commission members or employees, or pursuant to a lawful court order, shall be guilty of a Class C misdemeanor.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Dillard, Escott, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—67

And the bill:

H. 451. To exempt for civil liability any negligent act, with the exception of acts amounting to willful or wanton misconduct, or fraud, or gross negligence committed by the Farm Crisis and Transition Program Commission, its employees, unpaid volunteers, or independent contractors hired by the Commission to work in the farm crisis program when said negligent acts are a direct result of work in the farm crisis program; to require that any information divulged by a person seeking aid under the farm crisis program, concerning finances or financial status be deemed confidential and divulging said information by the Farm Crisis Commission, its employees,

its independent contractors or volunteers, to the public is a Class C misdemeanor.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—70

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rains Budget Isolation Resolution relating to H. B. 401, was adopted.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Bakenev, Box, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

Nay: Rep. McDowell.

—1

And the bill:

H. 401. Proposing an amendment to the Constitution of Alabama of 1901 designating English the official language of the state of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 4.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper,

Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

Nays: Reps. Black, McDowell, Newton (D) and Rogers.

—4

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 401:

Reps. Adams, Beasley, Beers, Blake, Blakeney, Brooks, Burke, Butler, Carothers, Crow, Curry, Dillard, Ford, Freeman, Gaston, Goodwin, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Hooper, Knight, Laird, Layson, Logan, Mathis, McKee, Mikell, Payne, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Turnham, Venable, White (G), White (L), Williams and Willis.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 379. COMMENDING SKIP HINTON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

H. J. R. 381. COMMENDING THE GRISSOM HIGH SCHOOL LADY TIGERS VOLLEYBALL TEAM FOR ITS EXCELLENT SEASON AND STATE CHAMPIONSHIP TITLE.

Also:

H. J. R. 382. COMMENDING SANDRA VELLA, COMMUNITY EDUCATION COORDINATOR, HOMEWOOD CITY SCHOOLS, FOR THE ESTABLISHMENT OF A MODEL EXTENDED-DAY PROGRAM FOR CHILDREN.

Also:

H. J. R. 383. MOURNING THE DEATH OF ROBERT M. PAUL OF ENTERPRISE, ALABAMA.

McDOWELL LEE,
Secretary.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Holley offered the motion to reconsider the vote by which the bill, H. 755, was passed, and the motion to reconsider was adopted.

H. 755 TEMPORARILY CARRIED OVER

On motion of Rep. Holley, the bill, H. 755 as amended, was temporarily carried over.

MOTION TO RECESS

Rep. Grouby offered the motion that the House recess from 6:00 o'clock p.m. to 8:00 o'clock p.m.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution relating to H. B. 608, was adopted.

Yeas 45; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Box, Brooks, Bryant, Burke, Buskey (JL), Carothers, Crow, Curry, Escott, Gaston, Grayson, Grouby, Haynes, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Laird, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (D), Parker, Payne, Perdue, Richardson, Sanderford, Spratt, Turner, Turnham, White (G), White (L), Williams, Willis and Zoghby.

—45

Nay: Rep. Higginbotham.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 608. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Brooks, Bryant, Burke, Buskey (JL), Carothers, Crow, Curry, Escott, Gaston, Grayson, Grouby, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Laird, Marks, Mathis, McClain, Moon, Newman, Newton (D), Parker, Payne, Perdue, Richardson, Rogers, Sanderford, Spratt, Turnham, White (G), White (L), Williams, Willis and Zoghby.

—44

Nay: Rep. Higginbotham.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson, Budget Isolation Resolution relating to H. B. 990, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Box, Brooks, Bryant, Burke, Butler, Crow, Curry, Dillard, Ford, Gaston, Grayson, Grouby, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Knight, Laird, Logan, Marks, Mathis, McClain, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Richardson, Sanderford, Turner, Walker, White (G), White (L), Williams, Willis and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 990 To make an appropriation of \$150,000 from vehicle inspection fees collected to the Alabama Department of Revenue for operating and maintaining the state vehicle inspection program for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE OFFERED

Rep. Richardson offered the following substitute to the bill, H. 990:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$150,000 from vehicle inspection fees collected by the Alabama Department of Revenue for operating and maintaining the state vehicle inspection program for the fiscal year ending September 30, 1989 and for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the inspection fees for restored vehicles to the Alabama Department of Revenue for FY 1988-89, the sum of \$150,000 to be used for the operation and maintenance of the state vehicle inspection program. The appropriation herein shall be in addition to any and all other funds heretofore or hereafter appropriated to the Alabama Department of Revenue.

Section 2. There is hereby appropriated from the inspection fees for restored vehicles to the Alabama Department of Revenue for FY 1989-90, the sum of \$150,000 to be used for the operation and maintenance of the state vehicle inspection program. The appropriation herein shall be in addition to any and all other funds heretofore or hereafter appropriated to the Alabama Department of Revenue.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Brooks, Bryant, Burke, Buskey (JL), Carothers, Curry, Dillard, Escott, Grayson, Grouby, Hammett, Haynes, Hill, Holmes, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, Mathis, McClain, Moon, Newman, Newton (C), Parker, Payne, Poole, Richardson, Sanderford, Slaughter, Spratt, Starkey, Turner, Turnham, White (G), White (L), Williams, Willis and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 990. To make an appropriation of \$150,000 from vehicle inspection fees collected by the Alabama Department of Revenue for operating and maintaining the state vehicle inspection program for the fiscal year ending September 30, 1989 and for the fiscal year ending September 30, 1990.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Curry, Dillard, Escott, Ford, Gaston, Grayson, Grouby, Hammett, Haynes, Higginbotham, Hill, Holmes, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Poole, Richardson, Sanderford, Slaughter,

Spratt, Starkey, Turner, Turnham, White (G), White (L), Williams, Willis and Zoghby.

—58

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution relating to H. B. 485, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Crow, Curry, Dillard, Ford, Gaston, Grayson, Grouby, Hammett, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Knight, Laird, Layson, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Sanderford, Slaughter, Starkey, Turnham, Walker, White (G), White (L), Williams, Willis and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 485. To amend Sections 5-19-7 and 5-19-18, Code of Alabama 1975, relating to consumer finance, so as to provide that the provisions shall not apply to a consumer credit transaction that is repayable in a single payment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Cosby, Crow, Curry, Dillard, Escott, Ford, Gaston, Grouby, Hall, Hammett, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Spratt, Turner, Turnham, White (G), White (L), Williams, Willis, Wright and Zoghby.

—62

BUDGET ISOLATION RESOLUTION

On motion of Rep. Burke, Budget Isolation Resolution relating to H. B. 267, was adopted.

Yeas 50; Nays 3.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Crow, Curry, Dillard, Escott, Freeman, Gaston, Grouby,

REGULAR SESSION
23rd Day

2249

Hall, Hammett, Haynes, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Kvalheim, Laird, Logan, Mathis, McClain, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rogers, Sanderford, Spratt, Turner, White (G), White (L), Willis, Wright and Zoghby.

—50

Nays: Reps. Bugg, Holley and Mikell.

—3

And the bill:

H. 267. To provide that any local city or county board of education be allowed to shorten the minimum number of school days for high school seniors up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 4.

Yeas:

Reps. Beasley, Black, Brooks, Bryant, Burke, Butler, Carothers, Crow, Curry, Dillard, Escott, Freeman, Gaston, Grouby, Hall, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Penry, Petelos, Poole, Rogers, Sanderford, Spratt, Turner, White (G), White (L), Willis, Wright and Zoghby.

—47

Nays: Reps. Bugg, Mikell, Parker and Slaughter.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 320. COMMENDING COACH LARRY SLATER OF PELL CITY HIGH SCHOOL.

Also:

H. J. R. 324. MOURNING THE DEATH OF MR. ANDREW BOYER RUDD OF DOTHAN, ALABAMA.

Also:

H. J. R. 325. CONGRATULATING MARGARET "MAGGIE" HICKS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 326. CONGRATULATING OLA BLEVINS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Beasley, Budget Isolation Resolution relating to H. B. 621, was adopted.

Yeas 37; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Breedlove, Brooks, Bryant, Burke, Butler, Carothers, Colvin, Crow, Curry, Gaston, Grouby, Hammett, Haynes, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Laird, Logan, Marks, Mathis, Mikell, Moon, Newman, Parker, Poole, Sanderford, Slaughter, White (G), White (L), Williams and Willis.

—37

Nay: Rep. McDowell.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 621. To amend Section 34-23-1, Code of Alabama 1975, relating to the practice of pharmacy, so as to provide further for the definition of "pharmacist."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Brooks, Bryant, Butler, Carothers, Colvin, Crow, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Laird, Logan, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Parker, Poole, Richardson, Sanderford, Seibels, Slaughter, White (G), White (L), Williams and Willis.

—42

Nay: Rep. McDowell.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moon, Budget Isolation Resolution relating to H. B. 40, was adopted.

Yeas 42; Nays 0.

Yeas:

Reps. Beasley, Beers, Black, Brooks, Bryant, Buskey (JL), Carothers, Colvin, Crow, Curry, Dillard, Escott, Freeman, Gaston, Hall, Haynes, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Laird, Logan, Marks, Mathis, McClain, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Penry, Perdue, Richardson, Sanderford, Spratt, Turnham, White (G), Willis and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 40. To amend Section 40-7-2.1, Code of Alabama 1975, as amended, relating to homestead exemptions based on age, income or disability, so as to allow such exemptions to continue without the required personal appearance to continue such exemption.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Brooks, Bryant, Bugg, Burke, Butler, Colvin, Crow, Dillard, Escott, Freeman, Gaston, Grouby, Hall, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, McClain, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Rains, Richardson, Sanderford, Slaughter, Spratt, Turner, Turnham, White (G), Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 40:

Mr. Speaker, Beers, Brooks, Bugg, Burke, Butler, Carothers, Colvin, Crow, Dillard, Escott, Freeman, Gaston, Goodwin, Grouby, Hall, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Laird, Logan, McClain, McMillan, Moon,

Newman, Newton (D), Parker, Penry, Perdue, Poole, Rains, Sanderford, Seibels, Spratt, Turner, White (G), Willis and Zoghby.

RECESS

On motion previously offered by Rep. Grouby, the House recessed from 6:00 o'clock p.m. to 8:00 o'clock p.m.

HOUSE RECONVENED

The hour of 8:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 214. To amend Section 7-4-104(1)(c), Code of Alabama 1975, relating to bank deposits and collections, so as to provide that Saturday is not a "banking day" for purposes of Title 7, Article 4; to provide for severability of the provisions of this Act; and to provide for an effective date.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Crow, Budget Isolation Resolution relating to H. B. 117, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Campbell, Carothers, Cosby, Crow, Ford, Freeman, Gaston, Gray, Grayson, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Layson, Marks, Mathis, McKee, McMillan, Mikell, Moon, Parker, Payne, Penry, Poole, Rains, Richardson, Sanderford, Venable, White (G), White (L), Williams and Willis.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 117. To amend Section 32-5A-177, Code of Alabama 1975, relating to the enforcement of speed limits, to permit aerial enforcement of speed laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Butler, Campbell, Carothers, Colvin, Crow, Curry, Davis, Dillard, Freeman, Gaston, Gray, Grayson, Hamilton, Hammett, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Turnham, Venable, White (G), White (L), Willis and Zoghby.

—59

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Cosby:

H. R. 456. COMMENDING THE SELMA KIWANIS CLUB FOR OUTSTANDING COMMUNITY SERVICE AND HONORING COACHES RUDY ABBOTT AND BOB RIESENER.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 451. To exempt from civil liability any negligent act, with the exception of acts amounting to willful or wanton misconduct, or fraud, or gross negligence committed by the Farm Crisis and Transition Program Commission, its employees, unpaid volunteers, or independent contractors hired by the Commission to work in the farm crisis program when said negligent acts are a direct result of work in the farm crisis program; to require that any information divulged by a person seeking aid under the farm crisis program, concerning finances or financial status be deemed confidential and divulging said information by the Farm Crisis Commission, its employees, its independent contractors or volunteers, to the public is a Class C misdemeanor.

TOMMY CARTER,
Chairman.

And the bill, H. 451 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 545. To create and establish the Alabama High School of Mathematics and Science; to provide for legislative intent; definitions; board of directors, membership, method of appointment, duties, powers, compensation and terms of office; to provide for programs and operation; to provide for extracurricular activities; to prescribe eligibility requirements and to provide for funding.

TOMMY CARTER,
Chairman.

And the bill, H. 545 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 990. To make an appropriation of \$150,000 from vehicle inspection fees collected by the Alabama Department of Revenue for operating and maintaining the state vehicle inspection program for the fiscal year ending September 30, 1989 and for the fiscal year ending September 30, 1990.

TOMMY CARTER,
Chairman.

And the bill, H. 990 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Williams, Budget Isolation Resolution relating to H. B. 168, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Davis, Dillard, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Poole,

Rains, Rogers, Sanderford, Seibels, Slaughter, Turnham, Venable, White (G), White (L), Williams, Willis and Zoghby.

—63

And the bill:

H. 168. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1990, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Colvin, Crow, Curry, Davis, Dillard, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Turnham, Venable, White (G), White (L), Williams, Willis and Zoghby.

—68

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 379. COMMENDING SKIP HINTON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

H. J. R. 381. COMMENDING THE GRISSOM HIGH SCHOOL LADY TIGERS VOLLEYBALL TEAM FOR ITS EXCELLENT SEASON AND STATE CHAMPIONSHIP TITLE.

Also:

H. J. R. 382. COMMENDING SANDRA VELLA, COMMUNITY EDUCATION COORDINATOR, HOMEWOOD CITY SCHOOLS, FOR THE ESTABLISHMENT OF A MODEL EXTENDED-DAY PROGRAM FOR CHILDREN.

Also:

H. J. R. 383. HOUSE JOINT RESOLUTION MOURNING THE DEATH OF ROBERT M. PAUL OF ENTERPRISE, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 320. COMMENDING COACH LARRY SLATER OF PELL CITY HIGH SCHOOL.

Also:

H. J. R. 324. MOURNING THE DEATH OF MR. ANDREW BOYER RUDD OF DOTHAN, ALABAMA.

Also:

H. J. R. 325. CONGRATULATING MARGARET "MAGGIE" HICKS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 326. CONGRATULATING OLA BLEVINS, SELMA, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Adams, the Budget Isolation Resolution and the bill, H. 569, were temporarily carried over.

RULING BY THE SPEAKER

On motion of the Speaker, no objection being offered, the Clerk of the House was directed to spread the following "Ruling By The Speaker" on the Journal of the House for the twenty-third legislative day:

The Speaker thereupon announced that, when the vote on H. B. 177 now before the House for reconsideration was originally taken during the twenty-second legislative day, a request was made for a ruling by the Speaker as to whether it was necessary for the House to vote again for the final passage of H. B. 177 after the House had concurred in the amendments proposed by the Governor. Based upon the advice of the Clerk of the House, which either was mistaken or was misunderstood by the Speaker, the Speaker stated that he had erroneously ruled that the final passage of H. B. 177 required a second vote on the entire bill, as amended by the Governor's amendments. The Speaker further announced that the holding of the Supreme Court of Alabama in the case of *Brandon v. Askew*, 172 Ala. 160, had been called to his attention and that case clearly held that, when concurring in amendments proposed by the Governor, it was not necessary for either house of the legislature to vote again on those parts of a bill that had already received the approval of both houses. Since the House had determined to reconsider the unnecessary final vote on H. B. 177, and that matter was again before the House, the Speaker stated that he was reversing his previous ruling and ruling instead that the House had taken all action necessary for the final passage of H. B. 177 when it voted to concur in the amendments proposed by the Governor, and in accordance with that ruling, H. B. 177, as amended by the Governor's amendments, would be transmitted to the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gaston, Budget Isolation Resolution relating to H. B. 566, was adopted.

Yeas 44; Nays 4.

Yeas:

Reps. Beasley, Beers, Black, Box, Breedlove, Brooks, Burke, Butler, Campbell, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Higginbotham, Hogan, Knight, Logan, Marks, McMillan, Mikell, Moon, Newman, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Turner, Turnham, Walker, White (G), Willis and Wright.

—44

Nays: Reps. Bugg, Grayson, Laird and White (L).

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 566. To authorize and provide the procedure for employees of certain counties, cities and towns to be covered under the state employees' health

insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 6.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Burke, Butler, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Higginbotham, Hogan, Holley, Hooper, Knight, Logan, Marks, Mikell, Moon, Newman, Parker, Payne, Petelos, Richardson, Sanderford, Slaughter, Turnham, Walker and Willis.

—41

Nays: Reps. Beasley, Bugg, Grayson, Laird, McKee and White (L). —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 569, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Clark (W), Colvin, Crow, Curry, Dillard, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harvey, Higginbotham, Hill, Hogan, Hooper, Knight, Laird, Logan, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Turner, Turnham, Walker, White (G), White (L), Willis and Zoghby.

—57

And the bill:

H. 569. (With Substitute): To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to eliminate the definition of component parts; to require a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title which shall contain the word "rebuilt."

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to change the standard for total loss of a motor vehicle to seventy-five percent or more of the cost of the vehicle; to clarify the status of vehicles which have received minor damage as a result of theft or vandalism; to require bills of sale for minor component parts; to require that an owner of a salvage motor vehicle provide evidence that he is a licensed Motor Vehicle Rebuilder in an application for inspection; to delete transmission or trans-axle as a major component part; to add transmission or trans-axle as a minor component part; to require that a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title without "rebuilt" appearing thereon if no more than one major component part and five minor component parts were used to restore the vehicle.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-8-87, Code of Alabama 1975, is hereby amended to read as follows:

"32-8-87.

"(a) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title who scraps, dismantles, destroys or changes the motor vehicle in such a manner that it is not the same motor vehicle described in the certificate of origin or certificate of title, shall as soon as practicable cause the certificate of origin or certificate of title, if any, and any other documents or information required by the department to be mailed or delivered to the department for processing. The department shall, with the consent of any holder of liens noted on the surrendered certificate, enter a cancellation upon its records. Upon cancellation of a certificate of origin or certificate of title in the manner prescribed by this section, the department shall cancel all certificates of origin or certificates of title and all memorandum certificates in that chain of title. A certificate of title for the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content as specified in this section.

"No motor vehicle for which a salvage or junk certificate has been issued by this state or any other state shall be driven or operated on the highways or other public places of this state. However, a vehicle which is in this state and for which a salvage certificate has been issued, and the vehicle is being restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, may be moved to and from repair points as necessary by the rebuilder to complete the restoration or may be moved as permitted by the department of revenue for inspection or for any other purpose. A valid Alabama dealer transport (DT) license plate must be displayed on the vehicle during its movement. Any person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(b) When the frame or engine is removed from a motor vehicle and not immediately replaced by another frame or engine, or when an insurance company has paid money or made other monetary settlement as compensation for a total loss of any motor vehicle, such motor vehicle shall be considered to be salvage. The owner of every motor vehicle in which total loss or salvage has occurred shall, within 72 hours after such total loss or salvage occurs, make application for a salvage certificate of title and forward to the department the certificate of origin or certificate of title to the motor vehicle, whereupon the department shall process the certificate of origin or certificate of title in a manner prescribed by law or regulation. An insurance company which pays money or makes other monetary settlement as compensation for total loss of a motor vehicle shall at the time of payment or monetary settlement obtain such vehicle's certificate of origin or certificate of title and, as soon as practicable after receiving them, shall forward them along with their application for a salvage certificate, to the department for processing. In the event the payment or monetary settlement was made because of the theft of the vehicle, which shall be considered a total loss as defined in this section, the insurance company shall forward the vehicle's properly assigned certificate of origin or certificate of title as provided herein, to the department as soon as practicable after the vehicle is recovered. When a stolen motor vehicle has been reported to the department in compliance with this section and is later recovered, and for which a salvage certificate has been issued, the owner recorded on the salvage certificate shall assign that certificate to the purchaser. Any person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(c) If an insurance company acquires a motor vehicle in settlement of an insurance claim and holds the vehicle for resale and procures the certificate of origin or certificate of title from the owner or lienholder within 15 days after delivery of the vehicle to the insurance company, and if the vehicle was not a total loss as defined by this section, the insurance company need not send the certificate of origin or certificate of title to the department but, upon transferring the vehicle to another person, other than by the creation of a security interest, the insurance company shall complete an affidavit of acquisition and disposition of the motor vehicle on a form prescribed by the department and deliver the certificate of origin or certificate of title, affidavit and any other documents required by the department to the transferee at the time of delivery of the motor vehicle.

“(d) For the purposes of this section, a total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to any person ~~when it is deemed to be uneconomical to repair the damaged vehicle~~ for seventy five (75) percent or more of the cost, at the time of loss, of replacing the wrecked or damaged vehicle with one of like kind and quality. The compensation for total loss as defined in this subsection shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental or for anything other than the amount paid for the actual damage to the motor vehicle. A vehicle that has sustained minor damage as a result of theft or vandalism shall not be considered a total loss.

“(e) It shall be unlawful for the owner of any junkyard, salvage yard, or motor vehicle dismantler and parts recycler or his agents or employees to have in their possession any motor vehicle which is junk or salvage or a total loss when the manufacturer's vehicle identification number plate(s), authorized replacement vehicle identification number plate(s), or serial plate(s)

have been removed, unless previously required to be removed by a statute or law of this state or another jurisdiction. Any person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(f) It shall be unlawful for any person, firm or corporation to possess, sell or exchange, offer to sell or exchange, or to give away any certificate of origin, certificate of title, salvage certificate of title, manufacturer's identification number plate(s), authorized replacement vehicle identification number plate(s), serial plate(s), or motor vehicle license plate(s) of any motor vehicle which has been scrapped, dismantled or sold as junk or salvage or as a total loss contrary to the provisions of this section, and every officer, agent or employee of any person, firm or corporation, and every person who shall authorize, direct, aid in or consent to the possession, sale or exchange or offer to sell, exchange or give away such certificate of origin, certificate of title, salvage certificate of title, manufacturer's vehicle identification number plate(s), authorized replacement vehicle identification number plate(s), serial plate(s), or motor vehicle license plate(s) contrary to the provisions of this section, shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(g) The department is authorized to issue a salvage certificate of title for a fee of \$15.00, on a form prescribed by the department which shall provide for assignments of this title. Such salvage certificate of title is to replace a certificate of origin or certificate of title required to be surrendered by this section. The department shall prescribe necessary forms and procedures to comply with the provisions of this subsection.

“(h) It shall be unlawful for any person to sign as assignor or for any person to have in his possession a salvage certificate of title which has been signed by the owner as assignor without the name of the assignee and other information called for on the form prescribed by the department. Any person who violates this subsection, upon conviction, shall be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(i) Every owner of a salvage or junk motor vehicle who sells or transfers said vehicle shall provide at the time of such sale or transfer a properly executed assignment and warranty of title to the transferee in the space provided therefor on the salvage certificate of title or junk certificate of title or as the department prescribes. Any person who willfully violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(j) The department may issue a certificate of title to any motor vehicle for which a salvage certificate has been issued by this or any other state, and such vehicle has, in this state, been completely restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, provided that all requirements of this section have been met. However, no certificate of title shall be issued for any motor vehicle for which a 'junk' certificate has been issued or for a vehicle which is sold 'for parts only.'

“(k) Every owner of a salvage motor vehicle designated a 1975 year model and all models subsequent thereto which is in this state and which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall make application to the department for an inspection of the vehicle in the form and content as determined by the department. Each application for inspection

of a salvage vehicle which has been so restored shall be accompanied by the following:

“(1) The outstanding salvage certificate or out-of-state title previously issued for the salvage vehicle.

“(2) Notarized bills of sale evidencing acquisition of all major component parts (listing the manufacturer's vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer's vehicle identification number) used to restore the vehicle and bills of sale evidencing acquisition of all minor component parts. Notarization shall not be required on bills of sale for minor component parts.

“(3) Evidence that the owner is a licensed Motor Vehicle Rebuilder as defined in Section 40-12-390.

“(4) “(3) The owner shall also provide a written affirmation which states the following:

“a. He rebuilt the vehicle or supervised its rebuilders, and what has been done to restore the vehicle to its operating condition which existed prior to the event which caused the salvage certificate to issue.

“b. He personally inspected the completed vehicle and it complies with all safety requirements set forth by the state of Alabama and any regulations promulgated thereunder.

“c. The identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered or defaced.

“d. The salvage certificate document or out-of-state title certificate attached to the application has not to the knowledge of the owner been forged, falsified, altered or counterfeited.

“e. All information contained on the application and its attachments is true and correct to the knowledge of the owner.

“(1) The application fee for each inspection of a restored vehicle shall be \$75.00, payable by certified funds to the department, which must accompany the application.

“(1) All such application fees received by the department shall be applied toward the personnel and maintenance costs of the vehicle inspection program and such vehicle inspection program shall be conducted by the Alabama department of revenue, office of investigations and inspections. Upon receipt of the application for inspection, application fee of \$75.00, its supporting documents and title fee of \$15.00 (payable by certified funds to the department), the department shall require an inspection to be made of the title and the vehicle by qualified agents or law enforcement officers of the Alabama department of revenue.

“(2) The inspection and certification shall include an examination of the vehicle and its parts to determine that the identification numbers of the vehicle or its parts have not been removed, falsified, altered, defaced, destroyed, or tampered with, that the vehicle information contained in the application for certificate of title and supporting documents is true and correct and that there are no indications that the vehicle or any of its parts are stolen. Such certification shall not attest to the roadworthiness or safety condition of the vehicle.

“(m) Component parts are defined as:

“(1) Passenger vehicles.

“a. Major components.

“1. Motor or engine.

~~“2. Transmission or trans-axle.~~

~~“2.~~ ~~“3.~~ Trunk floor pan or rear section and roof.

~~“3.~~ ~~“4.~~ Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame, except when it is a part of the trunk floor pan, or rear section and roof.

~~“4.~~ ~~“5.~~ Cowl, firewall, or any portion thereof.

~~“5.~~ ~~“6.~~ Roof assembly.

“b. Minor Components:

“1. Each door allowing entrance to or egress from the passenger compartment.

“2. Hood.

“3. Each front fender or each rear fender when used with a rear section and roof.

“4. Deck lid, tailgate or hatchback (whichever is present).

“5. Each quarter panel.

“6. Each bumper.

“7. T-tops, moon roof, or whichever is present.

~~“8. Transmission or trans-axle.~~

“(2) Truck, trucktype or bus type vehicles.

“a. Major components:

“1. Motor or engine.

“2. Transmission or trans-axle.

“3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame.

“4. Cab.

“5. Cowl or firewall or any portion thereof.

“6. Pickup box.

“7. Body or bed.

“8. Roof assembly.

“9. Cargo compartment floor panel or passenger compartment floor pan.

“b. Minor Components:

“1. Each door.

“2. Hood.

"3. Grill, except on one ton or smaller trucks.

"4. Each bumper.

"5. Each front fender.

"6. Roof panel and rear cab panel.

"7. Each rear fender or side panel.

"(3) Motorcycle: — Component parts.

"a. Engine or motor.

"b. Transmission or trans-axle.

"c. Frame.

"d. Front fork.

"e. Crankcase.

"(n) A salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title which shall contain the word 'rebuilt.' However a passenger vehicle, truck-type or bus-type vehicle restored with a combination of no more than one two major component parts, as defined above, and no more than five four minor component parts, as defined above; or a combination of no more than six minor component parts, as defined above, shall be issued a certificate of title without 'rebuilt' appearing thereon. A motorcycle restored with less than two component parts, as defined above, shall be issued a certificate of title without 'rebuilt' appearing thereon."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective July 1, 1989.

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Colvin, Crow, Curry, Dillard, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Higginbotham, Hill, Hogan, Hooper, Knight, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Rains, Rogers, Sanderford, Seibels, Slaughter, Turner, Turnham, Walker, White (G), White (L), Willis, Wright and Zoghby.

—56

AMENDMENT OFFERED

Rep. Adams offered the following amendment #1 to the bill, H. 569 as amended:

On page 4, on lines 28 thru 31, delete the following language:

when it is deemed to be uneconomical to repair the damaged vehicle. for seventy-five (75) percent or more of the cost, at the time of loss, of replacing the wrecked or damaged vehicle with one of like kind and quality.

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On page 4, on line 28, insert the following language:
when it is deemed to be uneconomical to repair the damaged vehicle.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Crow, Curry, Davis, Dillard, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—69

AMENDMENT OFFERED

Rep. Adams offered the following amendment #2 to the bill, H. 569 as amended:

On page 7, line 13, delete the period after the word "parts" and add the following:

"; provided, however, that a notarized bill of sale shall be required for a transmission."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 64; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Crow, Curry, Dillard, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—64

Nays: Reps. Brooks and Colvin.

—2

And the bill:

H. 569. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to change the standard for total loss of a motor vehicle to seventy-five percent or more of the cost of the vehicle; to clarify

the status of vehicles which have received minor damage as a result of theft or vandalism; to require bills of sale for minor component parts; to require that an owner of a salvage motor vehicle provide evidence that he is a licensed Motor Vehicle Rebuilder in an application for inspection; to delete transmission or trans-axle as a major component part; to add transmission or trans-axle as a minor component part; to require that a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title without 'rebuilt' appearing thereon if no more than one major component part and five minor component parts were used to restore the vehicle.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Crow, Curry, Dillard, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—64

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Gray abstained from voting on the bill, H. 569 as amended, due to a possible conflict of interest.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 622, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Crow, Curry, Davis, Dillard, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Poole, Rains, Rogers, Sanderford, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—63

And the bill:

H. 622. (With Amendment): To amend Section 34-23-70, Code of Alabama 1975, relating to the act of filling prescriptions, so as to allow the board of pharmacy to define the act of filling or compounding prescriptions.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 622 on page 3, Section 1, line 2, after the word "pharmacy" by adding the following:

However, such rules and regulations shall not apply to the reading, interpreting and writing or verifying the writing of adequate directions as are necessary to assure patient's understanding of the prescriber's intentions by a duly qualified nurse practicing her/his profession in a licensed hospital or similar institution.

Nothing in this act shall authorize the Board of Pharmacy to promulgate or to enforce any rule or regulation which governs, regulates or restricts the professional practice of a physician licensed to practice medicine in this state. No provision of this act, or any rule promulgated under the authority of this act shall be interpreted to amend, alter or modify the provisions of Section 34-23-11 of this Code.

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Crow, Curry, Davis, Dillard, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—64

And the bill, H. 622 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Davis, Dillard, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—69

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 698, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JL), Campbell, Clark (W), Colvin, Crow, Davis, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, McKee, McMillan, Melton, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Turner, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—60

And the bill:

H. 698. To appropriate the sum of \$260,000 from the Alabama Special Educational Trust Fund to the Department of Postsecondary Education for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Colvin, Crow, Curry, Davis, Dillard, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—71

BUDGET ISOLATION RESOLUTION

On motion of Rep. Higginbotham, Budget Isolation Resolution relating to H. B. 709, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Crow, Curry, Davis, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—73

And the bill:

H. 709. To amend Section 5-21-4, Code of Alabama 1975, which provides for a linked deposit plan for making low interest loans for qualified

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borrowers, so as to remove certain percentage restrictions on available investment portfolio funds used for said loans.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Crow, Curry, Davis, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, Moon, Newman, Newton (C), Parker, Payne, Perdue, Petelos, Poole, Rogers, Sanderford, Slaughter, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—67

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 709:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Colvin, Freeman, Gaston, Grouby, Hall, Hamilton, Haynes, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Payne, Poole, Rains, Rogers, Seibels, Walker, White (G), Willis, Wright and Zoghby.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Butler, Budget Isolation Resolution relating to H. B. 790 was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Colvin, Crow, Curry, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—64

And the bill:

H. 790. To provide for the creation of a public corporation to be known as the "Alabama Supercomputer Authority" for the purpose of acquiring, developing and administering a state-wide supercomputer and related telecommunications system for use by governmental agencies, educational institutions and private-sector businesses and industries; to provide a procedure

for incorporation; to provide for the management of the public corporation by a board of directors; to confer upon the public corporation certain powers and authorities; to provide for the appointment of a chief executive officer and staff; that the Authority will retain no intellectual property rights in products, processes, etc., developed through utilization of the system; to provide for the privacy, security and confidentiality of data maintained in the system; to transfer certain assets to the Authority; to provide for the collection and use of funds by the Authority; to provide for the tax-exempt treatment of the Authority and require it to operate as a nonprofit corporation; and to provide for the dissolution of the Authority:

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Slaughter, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—68

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution relating to H. B. 1006, was adopted.

Yeas 49; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Butler, Carothers, Clark (W), Colvin, Curry, Dillard, Gaston, Grayson, Hammett, Harvey, Haynes, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Parker, Penry, Perdue, Poole, Sanderford, Slaughter, Turnham, Venable, Walker, White (G), Williams and Zoghby.

—49

Nays:

Reps. Crow, Freeman, Hall, Hogan, Laird, Payne, Willis and Wright.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1006. (With Substitute): Relating to mobile home taxation; to impose a sales and use tax on the sale of any house trailer or mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling house trailers or mobile homes.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend the state "casual" sales and use taxes levied under Sections 40-23-101 and 40-23-102 of the Code of Alabama 1975, as last amended by Act. No. 867, H. 18 of the First Special Session 1988, to include any mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling mobile homes; to provide for the collection of said taxes; and to provide for the effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-101 of the Code of Alabama 1975, as last amended by Act No. 867, H. 18 of the First Special Session 1988, is hereby amended as follows:

"§40-23-101.

"(a) There is hereby levied and shall be collected as herein provided a sales tax upon every person, firm or corporation purchasing other than at wholesale within this state, any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state from any person, firm or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers an amount equal to two percent of the purchase price.

(b) Commencing October 1, 1989, there is hereby levied and shall be collected, as provided for under the provisions of Section 40-23-104(e) of the Code of Alabama 1975, a sales tax in the amount equal to two percent of the purchase price on the sale of any mobile home as defined in Section 40-8-1(b)(7) of the Code of Alabama 1975, as last amended by Act No 824, H. 234 of the First Special Session 1988, purchased other than at wholesale in this state from any person, firm or corporation which is not a licensed dealer engaged in selling mobile homes."

Section 2. Section 40-23-102 of the Code of Alabama 1975, as last amended by Act No. 867, H. 18 of the First Special Session 1988, is hereby amended as follows:

"(a) There is hereby levied and shall be collected as herein provided in lieu of the excise tax levied by subsection (c) of section 40-23-61, an excise or use tax upon every person, firm or corporation purchasing other than at wholesale outside the state any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state for use, storage or other consumption within

this state there is levied in lieu of the excise tax levied by subsection (c) of section 40-23-61, a tax in an amount equal to two percent of the purchase price.

(b) Commencing October 1, 1989, there is hereby levied and shall be collected, as provided for under the provisions of Section 40-23-104(e) of the Code of Alabama 1975, an excise or use tax in the amount equal to two percent of the purchase price on the storage, use or other consumption in the state of any mobile home as defined in Section 40-8-1(b)(7) of the Code of Alabama 1975, as last amended by Act. No. 824, H. 234 of the First Special Session 1988, purchased other than at wholesale outside the state on or after October 1, 1989, for storage, use or other consumption in this state."

Section 3. Section 40-23-104 of the Code of Alabama 1975, is hereby amended as follows:

"§40-23-104.

"(a) The tax levied by this article shall be collected by the tax collector before the registration of or licensing of any such automotive vehicle, truck trailer, semitrailer or house trailer by the judge of probate.

(b) The tax collector shall require, as proof of the purchase price of the vehicle or trailer, the presentment of a sworn report by the purchaser reflecting such purchase price on a form to be provided by the department of revenue accompanied by a properly executed bill of sale or other satisfactory evidence prescribed by the department of revenue.

(c) In lieu of the requirements contained in subsection (b) of this section, the purchaser may stipulate to the tax collector that the purchase price of the automotive vehicle, truck trailer, semitrailer or house trailer to be taxed is equivalent to a standard value for the year, make and model established by the department of revenue for the taxable item. The purchase price so stipulated shall be conclusively presumed to be the purchase price of such item for all purposes under this article.

(d) Before the registration of or licensing of any such automotive vehicle, truck trailer, semitrailer or house trailer, the judge of probate shall require proof of payment of the tax levied under this article as he deems to be necessary and proper.

(e) Before the decal, which is provided for by Section 40-7-1 of the Code of Alabama 1975 (as last amended by Act No. 824, H. 234 of the First Special Session 1988), can be issued to evidence payment of the ad valorem tax due on a mobile home in this state, and before any homestead exemption will be granted for a mobile home, payment of the tax levied either under Section 40-23-101(b) or Section 40-23-102(b) must be made to the county tax collecting official of the county in which the mobile home will be initially sited as evidenced by a properly executed bill of sale. If, however, the sales or use tax specified in either Sections 40-23-101(b) or 40-23-102(b) has already been paid prior to the due date of the ad valorem tax on the mobile home, then such proof of payment for the sales or use taxes will be evidenced by a receipt and shall be deemed acceptable by the county tax assessing or collecting official."

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 45; Nays 9.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Buskey (JL), Carothers, Colvin, Crow, Curry, Dillard, Grayson, Hammett, Haynes, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Payne, Penry, Perdue, Poole, Sanderford, Slaughter, Thomas, Turnham, Venable, White (G), Williams and Zoghby.

—45

Nays:

Reps. Buskey (JE), Freeman, Hall, Hamilton, Laird, Layson, Newman, Petelos and Walker.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1006. To amend the state "casual" sales and use taxes levied under Sections 40-23-101 and 40-23-102 of the Code of Alabama 1975, as last amended by Act No. 867, H. 18 of the First Special Session 1988, to include any mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling mobile homes; to provide for the collection of said taxes; and to provide for the effective date.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 31; Nays 30.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Brooks, Bryant, Buskey (JL), Colvin, Cosby, Curry, Dillard, Gray, Hammett, Holmes, Johnson (RW), Kvalheim, McMillan, Mikell, Newman, Penry, Perdue, Sanderford, Slaughter, Thomas, Turnham, Venable, White (G), Williams and Zoghby.

—31

Nays:

Reps. Beasley, Bugg, Buskey (JE), Carothers, Clark (W), Crow, Freeman, Gaston, Grouby, Hall, Hamilton, Haynes, Hogan, Hooper, Johnson (RG),

Laird, Layson, Marks, Mathis, McKee, Moon, Parker, Payne, Petelos, Poole, Rains, Walker, Warren, Willis and Wright.

—30

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution relating to H. B. 1004, was adopted.

Yeas 57; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Gaston, Grayson, Grouby, Hamilton, Higginbotham, Hill, Hogan, Holmes, Hooper, Knight, Kvalheim, Laird, Marks, Mathis, McKee, Mikell, Moon, Newman, Parker, Payne, Perdue, Petelos, Rains, Rogers, Sanderford, Slaughter, Thomas, Turnham Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—57

Nays: Reps. Freeman, Hall, Holley, Johnson (RG) and Poole.

—5

H. 1004 TEMPORARILY CARRIED OVER

On motion of Rep. Turnham, the bill, H. 1004, and the pending substitute and amendment reported by the Standing Committee on Ways and Means, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Langford and Manley:

S. 485. To authorize and provide the procedure for employees, officers and retiring employees of certain counties, cities and towns and members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees, officers and retiring employees and their dependents and members of the legislature and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 485. Small Business.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Sanders:

S. 631. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

Also:

By Senator Sanders:

S. 632. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

Also:

By Senator Sanders:

S. 633. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

Also:

By Senator Sanders:

S. 634. To propose an amendment to the Constitution of Alabama 1901 for Greene County to provide further for filling vacancies in certain county offices.

Also:

By Senator Sanders:

S. 635. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time at length as required by the Constitution, and referred to the Standing Committees as follows:

S. 631. Local Legislation No. 1.

S. 632. Local Legislation No. 1.

S. 633. Local Legislation No. 1.

S. 634. Local Legislation No. 1.

S. 635. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Covington (With Notice and Proof):

S. 565. Relating to Pike County; separating the office of the judge of probate from the chairmanship of the county commission pursuant to Constitutional Amendment 503 to the Constitution of 1901; providing for the compensation of such officers and transferring the duties, authority, records, assets and funds of such officers; and providing for the effective date.

WHEREAS, the people of Pike County have spoken, by ratifying Act No. 88-308, H. 894 of the 1988 Regular Session on November 8, 1988, which act became Constitutional Amendment 503 to the Constitution of 1901, and approved the Pike County Government Modernization Amendment; and

WHEREAS, Amendment No. 503 to the Constitution of 1901, prescribes, in part, that the office of the judge of probate and the chairmanship of the county commission shall be separated; transferring duties, records, assets and funds of such offices; providing for the qualifications and election procedures and compensation for such chairman and the judge of probate, and the effective date; now therefore,

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 565, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Sanders (With Notice and Proof):

S. 530. Relating to the City of Eutaw in Greene County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw; to provide that the act shall become operative only if approved by affected electors and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 530, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senators Hale and Campbell (With Notice and Proof):

S. 562. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1988.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 562, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 565. Local Legislation No. 1.
- S. 530. Local Legislation No. 1.
- S. 562. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Manley and Sanders:

S. 563. Providing for a local salary supplement for the district judges of the 17th judicial circuit; providing that any local salary supplement provided for said judges by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judges; prescribing the methods for determining and funding the local salary supplement provided by this act for said judges; and repealing Act No. 81-1059, H. 6, 1981 Second Special Session.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 563. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Hale (With Notice and Proof):

S. 614. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 614, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hale (With Notice and Proof):

S. 615. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 615, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hale (With Notice and Proof):

S. 622. To provide an annual supplemental retirement benefit to the retired circuit judges and district attorneys of the 8th Judicial Circuit, payable from the county treasury of the county comprising said circuit; to provide that the circuit judges and district attorneys holding office on the effective date of this act may elect to come under this act and that any circuit judge or district attorney hereafter elected or appointed to office shall come under its provisions as a matter of law; to provide that said participating judges or district attorneys shall contribute to the county treasury a portion of their county salary supplement in order to qualify for the benefits provided herein; to provide that said judges and district attorneys shall begin drawing the additional retirement benefits provided herein at the time they qualify for and begin receiving benefits from the state judicial retirement fund; to provide that said participating judges and district attorneys may elect to withdraw contributions plus interest from the county treasury should their judicial service be terminated prior to becoming eligible for the benefits provided herein, or may elect to leave said contributions with the county treasury until such time as they attain a retirement age and become eligible to receive the benefits provided herein; to provide for a return of contributions, or any remaining portion thereof, to the estate of a participating judge or district attorney should such participant die prior to becoming eligible for the benefits provided herein or prior to recouping all of his contributions; and to provide an effective date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 622, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 640. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 640, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

REGULAR SESSION
23rd Day

2279

Also:

By Senator Hale (With Notice and Proof):

S. 643. Pertaining to the Twenty-third Judicial Circuit; to amend Section 1 of Act No. 80-407, H. 792, 1980 Regular Session (Acts 1980, p. 566), relating to the supplement to the salaries of the district judges of said judicial circuit, so as to provide further for such supplement.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 643, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Ellis (With Notice and Proof):

S. 649. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 649, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 614. Local Legislation No. 1.

S. 615. Local Legislation No. 1.

S. 622. Local Legislation No. 1.

S. 640. Local Legislation No. 1.

S. 643. Local Legislation No. 4.

S. 649. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Drinkard (With Notice and Proof):

S. 653. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for

capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 653, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 656. Relating to Lawrence County; providing for the establishment of a system for assessment and collection of taxes and issuance of licenses under the supervision of elected county officials designated as county revenue commissioner and county license commissioner upon referendum approved by the electors of the county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 656, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senators Campbell and Hale (With Notice and Proof):

S. 659. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 659, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senators Campbell and Hale (With Notice and Proof):

S. 660. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 660, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

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Also:

By Senator Campbell (With Notice and Proof):

S. 662. Relating to Lawrence County, to increase certain court costs and provide for the distribution of the additional court costs.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 662, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 663. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session (Acts 1986, p. 595) relating to the salary and expense allowances of the county superintendent of education so as to provide further for such salary and allowances.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 663, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Denton (With Notice and Proof):

S. 674. To authorize the governing body of Tuscumbia to establish an Historic Preservation Commission and an Architectural Review Board in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage within Tuscumbia, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties and appointments to the Commission and Board; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing body; to provide for the reimbursement of expenses of members, the rules of procedure for operations and notice of meetings; to provide that the Commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; and to provide for appeals and other judicial processes.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 674, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 653. Local Legislation No. 1.
- S. 656. Local Legislation No. 1.
- S. 659. Local Legislation No. 1.
- S. 660. Local Legislation No. 1.
- S. 662. Local Legislation No. 1.
- S. 663. Local Legislation No. 1.
- S. 674. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Campbell (With Notice and Proof):

S. 661. Relating to Lawrence County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Lawrence County 2015 Commission"; to provide for the composition, officers and duties of the commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 661, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 661. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Hilliard (With Notice and Proof):

S. 392. To provide that in any Class 1 municipality any racing commission is designated as the primary law enforcement agency to enforce the provisions relating to horse racing in Class 1 municipalities; to provide access by such commission to any law enforcement records pertaining to enforcement of any provisions relating to horse racing in Class 1 municipalities; and to authorize such commission to enter into cooperative agreements with certain law enforcement agencies.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 392, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 596. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Michael P. Sweatt for a pension based upon extraordinary disability and to award such pension if, in the judgement of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension, and to set an effective date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 596, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bennett (With Notice and Proof):

S. 598. Relating to Jefferson County; to provide for the compensation and other benefits for the tax assessor and the tax collector and for the method of payment and funding.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 598, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 392. Local Legislation No. 2.

S. 596. Local Legislation No. 2.

S. 598. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Ellis (With Notice and Proof):

S. 675. Relating to Shelby County, providing further for the duties of the judge of probate.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 675, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Ellis (With Notice and Proof):

S. 687. To amend Act No. 82-693 passed by the Alabama Legislature and approved by the Governor (as amended by Act No. 84-454) which provides for the creation and establishment of the Shelby County Planning Commission, so as to further provide for membership, organization, authority and function of the Shelby County Planning Commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 687, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 675. Local Legislation No. 1.

S. 687. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bennett (With Notice and Proof):

S. 519. To establish the salaries for the following officers of Jefferson County, Alabama: the president of the county commission and the four associate county commissioners; and to provide that the salaries as fixed by this act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 519, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bennett (With Notice and Proof):

S. 567. To amend further Act 85-914 of the 1985 Session of the Legislature of Alabama and all other acts pertaining to the expense allowance

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of the following officers of Jefferson County, Alabama: the county commissioners; to provide further for the expense allowance of the county commissioners, to provide for a method of payment, to provide for an effective date of application, to provide for repeal of any conflicting laws, and to provide for the severability of this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 567, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 589. To provide that any Class 1 municipality that owns a civic center, or any public corporation that owns a civic center located within a Class 1 municipality, shall have the power to own and operate a hotel of sufficient size and quality to accommodate persons attending conventions held at such civic center, as well as any related restaurants, meeting rooms and other facilities and services commonly provided by hotels; and to provide that any such municipality or public corporation shall be able to provide for the operation of any such hotel by entering into one or more management contracts with private companies and that any such management contract shall be exempt from the requirements of competitive bid laws.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 589, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 519. Local Legislation No. 2.

S. 567. Local Legislation No. 2.

S. 589. Local Legislation No. 2.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Venable, the Budget Isolation Resolution and the bill, H. 53, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 38. Relating to Morgan County; providing for minimum compensation for the bailiffs of said county.

Also:

H. 500. Relating to Pike County; repealing Act No. 87-760, H. 853, Regular Session 1987 (Acts 1987, p. 1481) entitled, "An Act Relating to Pike County; levying certain additional court costs and providing that the proceeds shall be utilized for the establishment of a legislative delegation office."

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Buskey (JL), the Budget Isolation Resolution and the bill, H. 528, were temporarily carried over.

H. 1004 TEMPORARILY CARRIED OVER

On motion of Rep. Turnham, the bill, H. 1004 and the pending substitute and amendment reported by the Standing Committee on Ways and Means, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Haynes, Budget Isolation Resolution relating to H. B. 554, was adopted.

Yeas 66; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, Moon, Newton (C), Parker, Payne, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—66

Nays: Reps. Campbell, McKee and Poole.

—3

MOTION TO ADJOURN LOST

The motion offered by Rep. Adams that the House adjourn until 10:00 o'clock a.m., Thursday, April 27, 1989, was lost.

Yeas 18; Nays 53.

Yeas:

Reps. Adams, Blake, Buskey (JE), Buskey (JL), Clark (W), Cosby, Freeman, Grayson, Holmes, Laird, Layson, Marks, McKee, Parker, Thomas, Turner, Venable and Williams.

—18

Nays:

Reps. Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Campbell, Carothers, Crow, Curry, Ford, Gaston, Gray, Grouby,

Hall, Hammett, Harper, Haynes, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Mathis, McMillan, Moon, Newton (C), Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Turnham, Walker, White (G), White (L), Willis, Wright and Zoghby.

—53

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 1006. To amend the state "casual" sales and use taxes levied under Sections 40-23-101 and 40-23-102 of the Code of Alabama 1975, as last amended by Act No. 867, H. 18 of the First Special Session 1988, to include any mobile home purchased other than at wholesale, from any person, firm or corporation which is not a licensed dealer engaged in selling mobile homes; to provide for the collection of said taxes; and to provide for the effective date.

TOMMY CARTER,
Chairman.

And the bill, H. 1006 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 554. (With Amendments): To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to increase the jurisdictional amount of the claims.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 554, in the Title, Page 1, Line 16, after the words "so as to" by striking the following word: ~~increase~~ and substituting in lieu thereof the following: adjust

And the amendment #1 was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson,

Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, Walker, White (G), White (L), Williams, Willis and Wright.

—66

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. B. 554, Page 2, Line 8, by striking the word ~~not~~ and inserting in lieu thereof the word be

And the amendment #2 was adopted.

Yeas 62; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hill, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Mathis, McMillan, Mikell, Moon, Newton (C), Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Slaughter, Thomas, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—62

Nays: Reps. Campbell, Grayson, Marks, McKee and Poole.

—5

And the bill:

H. 554. To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to adjust the jurisdictional amount of the claims.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Carothers, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Mathis, McMillan, Mikell, Moon, Newton (C), Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Slaughter, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

—65

Nays: Rep. Butler, Campbell, Marks, McKee and Poole.

—5

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 38. Relating to Morgan County; providing for minimum compensation for the bailiffs of said county.

Also:

H. 500. Relating to Pike County; repealing Act No. 87-760, H. 853, Regular Session 1987 (Acts 1987, p. 1481) entitled, "An Act Relating to Pike County; levying certain additional court costs and providing that the proceeds shall be utilized for the establishment of a legislative delegation office."

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 417. Relating to St. Clair County; amending Act No. 81-74, H. 253, 1981 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to increase the allowance for election officials who work at polling places and the returning officer.

Also:

H. 670. To fix the fee for the issuance of pistol permits in Randolph County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Also:

H. 712. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in Pickens County.

Also:

H. 778. Relating to Pickens County; providing further for the compensation for election officials and repealing Act No. 79-185, S. 351, 1979 Regular Session.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Mikell, the Budget Isolation Resolution and the bill, H. 733, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 53, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Colvin, Cosby, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Turner, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—67

S. 124 SUBSTITUTED FOR H. 53

On motion of Rep. Venable, the bill, S. 124, was substituted for the bill, H. 53.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to S. B. 124, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Thomas, Turner, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—67

And the bill:

S. 124. To amend Section 22-6-8, Code of Alabama 1975, which relates to the revocation of the Medicaid eligibility of certain recipients, so as to institute procedure whereby a pregnant woman who has been suspended from the Medicaid program for abuse, fraud or misuse can have her suspended status changed to restricted status so that pregnancy related services only can be received for her unborn child.

Was read a third time at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers,

Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—70

H. 53 INDEFINITELY POSTPONED

On motion of Rep. Venable, the bill:

H. 53. To amend Section 22-6-8, Code of Alabama 1975, which relates to the revocation of the Medicaid eligibility of certain recipients, so as to institute procedure whereby a pregnant woman who has been suspended from the Medicaid program for abuse, fraud or misuse can have her suspended status changed to restricted status so that pregnancy related services only can be received for her unborn child.

Was indefinitely postponed.

H. 1004 RESUMED

And the bill:

H. 1004. (With Substitute): (With Amendment): To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Sections 32-8-2, 32-8-30, and 32-8-31, Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act to alphabetized terms being defined; to define "mobile homes" and "travel trailers"; to provide for the titling of certain mobile homes and travel trailers; and to provide for the exemption from titling certain mobile homes and travel trailers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-8-2, Code of Alabama 1975, is hereby amended to read as follows:

"§32-8-2.

"For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) ~~DEPARTMENT. The department of revenue of this state.~~ CURRENT ADDRESS. A new address different from the address shown on the

application or on the certificate of title. The owner shall within 30 days after his address is changed from that shown on the application or on the certificate of title notify the department of the change of address in the manner prescribed by the department.

(2) DEALER. A person licensed as an automobile or motor vehicle dealer, mobile home dealer, or travel trailer dealer and engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semitrailers, trucks, tractors, or other character of commercial or industrial motor vehicles, mobile homes or travel trailers in this state, and having in this state an established place of business.

(3) DEPARTMENT. The department of revenue of this state.

(4) (3) DESIGNATED AGENT. Each judge of probate, commissioner of licenses, director of revenue or other county official in this state authorized and required by law to issue motor vehicle license tags, who may perform his duties under this chapter personally or through his deputies, or such other persons as the department may designate; the term shall also mean those "dealers" as herein defined who are appointed by the department as herein provided in section 32-8-34 to perform the duties of "designated agent" for the purposes of this chapter; such "dealers" may perform their duties under this chapter either personally or through any of their officers or employees.

(5) (4) IMPLEMENT OF HUSBANDRY. Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to licensing or registration if used upon the highways. VEHICLE IDENTIFICATION NUMBER. ~~The numbers and letters on a vehicle designated by the manufacturer or assigned by the department for the purpose of identifying the vehicle.~~

(6) LIEN. Every kind of written lease which is substantially equivalent to an installment sale or which provides for a right of purchase, conditional sale, reservation of title, deed of trust, chattel mortgage, trust receipt, and every written agreement or instrument of whatever kind or character whereby an interest other than absolute title is sought to be held or given on a motor vehicle.

(7) LIENHOLDER. Any person, firm, copartnership, association or corporation holding a lien as herein defined on a motor vehicle.

(8) MANUFACTURER. Any person regularly engaged in the business of manufacturing, constructing, assembling, importing or distributing new motor vehicles, either within or without this state.

(9) MOBILE HOME. A structure, transportable in one (1) or more sections, and which is built on a permanent chassis, and not designed normally to be drawn or pulled on the highway except to change permanent locations, but is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems, if any contained therein. It may be used as a place of residence, business, profession, trade or for any other purpose, by the owner, lessee, or assigns and may consist of one or more units that can be attached or joined together.

(10) (9) MOTOR VEHICLE. Such term shall include:

a. Every automobile, motorcycle, mobile trailer, semitrailer, truck, truck tractor, trailer and other device which is self-propelled or drawn, in, upon

or by which any person or property is or may be transported or drawn upon a public highway except such as is moved by animal power or used exclusively upon stationary rails or tracks;

b. Every mobile home, trailer coach, travel trailer and house trailer manufactured upon a chassis or undercarriage as an integral part thereof drawn by a self-propelled vehicle.

(11) ~~(10)~~ NEW VEHICLE. A motor vehicle that has never been the subject of a first sale for use.

~~(12) ~~(11)~~ NONRESIDENT. Every person who is not a resident of this state. USED VEHICLE. A motor vehicle that has been the subject of a first sale for use, whether within this state or elsewhere.~~

(13) ~~(12)~~ OWNER. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. Under any lease-purchase or installment sales agreement where a governmental agency, either city, county or state, is the lessee or purchaser with a security interest or right to purchase, such lessee or purchaser shall be the owner for purposes of this chapter.

(14) ~~(13)~~ PERSON. Such term shall include every natural person, firm, copartnership, association or corporation.

(15) ~~(14)~~ POLE TRAILER. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as logs, poles, pipes, boats or structural members capable generally of sustaining themselves as beams between the supporting connections.

(16) ~~(15)~~ SCRAP METAL PROCESSOR. Any person, firm, or corporation engaged in the business of buying scrap vehicles, automotive parts, or other metallic waste by weight to process such material into scrap metal for remelting purposes, who utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

(17) ~~(16)~~ SCRAP VEHICLE. Any vehicle which has been crushed or flattened by mechanical means or which has been otherwise damaged to the extent that it cannot economically be repaired or made roadworthy.

(18) ~~(17)~~ SECURITY AGREEMENT. A written agreement which reserves or creates a security interest.

(19) ~~(18)~~ SECURITY INTEREST. An interest in a motor vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(20) ~~(19)~~ SPECIAL MOBILE EQUIPMENT. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over the highway, including but not limited to: ditch-digging apparatus; well-boring apparatus; road construction and maintenance machinery such as asphalt spreaders, bituminous mixers,

bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes; and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(21) ~~(20)~~ NONRESIDENT. Every person who is not a resident of this state. STATE. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

(22) ~~(21)~~ CURRENT ADDRESS. A new address different from the address shown on the application or on the certificate of title. The owner shall within 30 days after his address is changed from that shown on the application or on the certificate of title notify the department of the change of address in the manner prescribed by the department. TRAVEL TRAILER. A vehicle without motive power, designed and constructed as a camping vehicle or a temporary dwelling, living or sleeping place and designed to be drawn or pulled on the highway, but not including folding or collapsible camping trailers and mobile homes as defined herein.

(23) USED VEHICLE. A motor vehicle that has been the subject of a first sale for use, whether within this state or elsewhere.

(24) ~~(22)~~ VEHICLE IDENTIFICATION NUMBER. The numbers and letters on a motor vehicle designated by the manufacturer or assigned by the department for the purpose of identifying the motor vehicle. STATE. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada."

Section 2. Section 32-8-30, Code of Alabama 1975, is hereby amended to read as follows:

"§32-8-30.

"(a) Except as provided in section 32-8-31, every owner of a motor vehicle designated a 1975 year model, and all models subsequent thereto which is in this state and which is required to be registered under the motor vehicle laws of this state and for which no certificate of title has been issued by the department, shall make application to a designated agent as herein defined for a certificate of title to the vehicle.

"(b) Except as provided in section 32-8-31, every owner of a mobile home designated a 1990 year model, and all models subsequent thereto which is in this state and for which no certificate of title has been issued by the department, shall make application to a designated agent as herein defined for a certificate of title to the mobile home, or to each unit thereof if the mobile home consists of more than one unit.

"(c) If a mobile home is affixed to a parcel of real property and the ownership of mobile home and real property is identical, the owner or owners may obtain from the Alabama Department of Revenue a cancellation of title to the mobile home by delivering to the department, the following:

(1) The certificate of title to the mobile home, or each separate certificate of title if the mobile home consists of more than one unit;

(2) A certified copy of the deed or other instruments of conveyance to the realty to which the mobile home has become affixed;

(3) An affidavit executed by all who have an ownership interest in the mobile home and the realty to which the mobile home has become affixed to the effect that the mobile home is affixed to the realty described in the deed;

(4) Lien release from lienholder as recorded on the face of the certificate of title.

If a mobile home for which the certificate of title has been cancelled as provided in this subsection is subsequently detached from the realty to which it became affixed, the owner or owners must reapply for a new certificate of title, provide an abstract of land title showing ownership of the mobile home and realty and any changes, if any, since the previous cancellation of the certificate of title, and pay the required fee specified in Section 32-8-6, Code of Alabama 1975, for the mobile home, or if in more than one section, for each component unit.

(d) Except as provided in section 32-8-31, every owner of a travel trailer designated a 1990 year model, and all models subsequent thereto which is in this state and which is required to be registered under the motor vehicle laws of this state and for which no certificate of title has been issued by the department, shall make application to a designated agent as herein defined for a certificate of title to the travel trailer.

(e) (b) Any dealer, acting for himself or another, who sells, trades or otherwise transfers any vehicle required to be titled under this chapter who does not comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding \$500.00."

Section 3. Section 32-8-31, Code of Alabama 1975, is hereby amended to read as follows:

"§32-8-31.

"No certificate of title need be obtained for:

- (1) A vehicle owned by the United States or any agency thereof;
- (2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing;
- (3) A vehicle owned by a nonresident of this state and not required by law to be registered in this state;
- (4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;
- (5) A vehicle moved solely by animal power;
- (6) An implement of husbandry;
- (7) Special mobile equipment;
- (8) A pole trailer;
- (9) Mobile homes, travel trailers, and mobile trailers designated 1989 year models and prior year models."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 52; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Carothers, Cosby, Curry, Dillard, Ford, Freeman, Gaston, Gray, Hall, Hamilton, Hammett, Haynes, Hill, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee, Moon, Newton (C), Parker, Payne, Poole, Richardson, Sanderford, Slaughter, Thomas, Turner, Turnham, Venable, White (G), Williams, Willis and Zoghby.

—52

Nay: Rep. Holley.

—1

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 1004 as Substituted on page 7 in Section 2, subsection (b), line 31 after the word "unit", by inserting the following new sentence:

In addition to any other charge, fee or tax, a title fee of \$15.00 shall be imposed for each certificate of title issued for a mobile home.

Further amend H. B. 1004 as Substituted, on page 9, between line 30 and 31, by inserting a new Section 4 as follows:

Section 4. There is hereby appropriated and allocated to the Alabama manufactured housing commission fund in the state treasury for the 1989-1990 state fiscal year, five dollars (\$5.00) from each mobile home title fee collected pursuant to the provisions of Section 2 of this act.

Further amend H. B. 1004 as Substituted by renumbering all subsequent sections accordingly.

And the amendment was adopted.

Yeas 44; Nays 9.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Cosby, Crow, Curry, Dillard, Hamilton, Hammett, Haynes, Hill, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee,

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Newton (C), Parker, Richardson, Rogers, Sanderford, Slaughter, Thomas, Turnham, Venable, White (G), Willis and Wright.

—44

Nays:

Reps. Blake, Campbell, Freeman, Hall, Holley, Moon, Payne, Poole and Williams.

—9

And the bill, H. 1004 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 28; Nays 21.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Bryant, Burke, Buskey (JL), Carothers, Crow, Curry, Dillard, Gray, Hamilton, Hammett, Hill, Holmes, Knight, Logan, Mathis, McKee, Sanderford, Slaughter, Thomas, Turnham, Venable, White (G) and Willis.

—28

Nays:

Reps. Beers, Biddle, Blake, Brooks, Butler, Campbell, Cosby, Freeman, Gaston, Hall, Holley, Johnson (RW), Kvalheim, Layson, Marks, Moon, Payne, Poole, Richardson, Williams and Wright.

—21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Walker, the Budget Isolation Resolution and the bill, H. 31, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution relating to H. B. 330, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Carothers, Colvin, Cosby, Curry, Ford, Freeman, Gaston, Grouby, Hall, Hammett, Harvey, Haynes, Hill, Holley, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Marks, Mathis, McMillan, Moon, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford,

Seibels, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—54

And the bill:

H. 330. To provide that any member of the Teachers' Retirement System who is employed as a teacher in the public schools of Alabama may purchase credit for such service regardless of the manner in which the member's salary was paid or the source of such funds; provided, however, that this provision shall not apply to any member who at the time of such claimed service was also a student at the institution by which he was employed.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Freeman, Gaston, Grouby, Hall, Hammett, Harvey, Haynes, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Moon, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—58

Nay: Rep. Colvin.

—1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Holley abstained from voting on the bill, H. 330, due to a possible conflict of interest.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McKee, Budget Isolation Resolution relating to H. B. 336, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Campbell, Carothers, Crow, Dillard, Gaston, Grouby, Hamilton, Haynes, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Thomas, White (L), Willis, Wright and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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And the bill:

H. 336. (With Amendment): Relating to the possession of weapons on public school property; to make it a misdemeanor for a person to have in his possession a knife, a razor, brass knuckles, a slingshot or other items having potential for use as a weapon, while on the property of any city, county or other local public school or while being transported to or from school or a school related activity on transportation approved by the school; to fix the penalty therefor and to prescribe exemptions.

Was taken up.

SUBSTITUTE OFFERED

Rep. McKee offered the following substitute to the bill, H. 336, and the pending amendment reported by the Standing Committee on Judiciary:

A BILL
TO BE ENTITLED
AN ACT

Relating to the possession of weapons on public school property; to make it a Class C misdemeanor for a person to have in his possession a deadly weapon or dangerous instrument as defined in the Alabama Criminal Code while on the property of any city, county or other local public school or while being transported to or from school or a school related activity on transportation approved by the school; to fix the penalty therefor and to prescribe exemptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A person who has in his possession a deadly weapon or dangerous instrument as defined in section 13A-1-2, Code of Alabama 1975, while on the property of any city, county or other public school or while being transported to or from school or a school related activity on transportation provided by or endorsed by the public school system shall be guilty of a Class C misdemeanor.

(b) The provisions of this act shall not apply to state or local law enforcement officers who are on the school property in the course of or in connection with their official duties.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Campbell, Carothers, Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains,

Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—65

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 554. To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to adjust the jurisdictional amount of the claims.

TOMMY CARTER,
Chairman.

And the bill, H. 554 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 569. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to change the standard for total loss of a motor vehicle to seventy-five percent or more of the cost of the vehicle; to clarify the status of vehicles which have received minor damage as a result of theft or vandalism; to require bills of sale for minor component parts; to require that an owner of a salvage motor vehicle provide evidence that he is a licensed Motor Vehicle Rebuilder in an application for inspection; to delete transmission or trans-axle as a major component part; to add transmission or trans-axle as a minor component part; to require that a salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title without 'rebuilt' appearing thereon if no more than one major component part and five minor component parts were used to restore the vehicle.

TOMMY CARTER,
Chairman.

And the bill, H. 569 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 417. Relating to St. Clair County; amending Act No. 81-74, H. 253, 1981 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling

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places," so as to increase the allowance for election officials who work at polling places and the returning officer.

Also:

H. 670. To fix the fee for the issuance of pistol permits in Randolph County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Also:

H. 778. Relating to Pickens County; providing further for the compensation for election officials and repealing Act No. 79-185, S. 351, 1979 Regular Session.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 712. Proposing an amendment to the Constitution of Alabama 1901, providing for disposal fees on solid waste disposed of in Pickens County.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 336. Relating to the possession of weapons on public school property; to make it a Class C misdemeanor for a person to have in his possession a deadly weapon or dangerous instrument as defined in the Alabama Criminal Code while on the property of any city, county or other local public school

or while being transported to or from school or a school related activity on transportation approved by the school; to fix the penalty therefor and to prescribe exemptions.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

BUDGET ISOLATION RESOLUTION

On motion of Rep. Willis, Budget Isolation Resolution relating to H. B. 521, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Carothers, Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—67

And the bill:

H. 521. To provide further for the issuance of distinctive license plates for handicapped persons; to amend Sections 40-12-300, 40-12-302, and 32-6-230 through 32-6-234, Code of Alabama 1975, so as to provide further for the design of the plates; to define "temporarily handicapped individuals" and to provide for parking in handicapped zones by such persons; and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers,

Carter, Clark (W), Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Haynes, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 521.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hooper, Budget Isolation Resolution relating to H. B. 365, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—67

And the bill:

H. 365. (With Amendment): To provide for the exemption of certain property from any and all state, county and municipal taxes, licenses, fees, including any privilege or excise tax levied by the state of Alabama or any county or municipality thereof.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 365 on page 1, in the Synopsis and Title by deleting lines 9 through 12; and lines 19 through 21, in their entirety.

Further amend H. B. 365 on page 1, after line 8, by adding the following language:

property from any and all ad valorem taxes.

Further amend H. B. 365 on page 1, after line 18, by adding the following language:

from any and all ad valorem taxes.

Further amend H. B. 365 on page 1, by deleting lines 25 through 29 in their entirety.

Further amend H. B. 365 on page 1, after line 24 by adding the following language:

exempt from any and all ad valorem taxes.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Hill, Hogan, Holley, Holmes, Hooper, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—65

And the bill:

H. 365. To provide for the exemption of certain property from any and all ad valorem taxes.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Harvey, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Turnham, White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

BUDGET ISOLATION RESOLUTION

On motion of Rep. Crow, Budget Isolation Resolution relating to H. B. 607, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carter, Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne,

Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

And the bill:

H. 607. To amend Section 32-6-270, Code of Alabama 1975, which defines the term "fire fighter" for purposes of issuing distinctive license plates, so as to include retired fire fighters within said definition.

Was taken up.

AMENDMENT OFFERED

Rep. Crow offered the following amendment to the bill, H. 607:

Amend H. B. 607, Page 1, Line 26, by adding the symbol a in front of the word "As"

Further amend H. B. 607, Page 2, immediately following Line 4 by inserting a new subsection (b) in Section 1 to read as follows:

"(b) As used in this division, the term "retired volunteer firefighter" means someone that has retired from performing the required duties of a firefighter on a voluntary basis at a certified volunteer fire department, wherein, those duties were performed for at least 10 years and said person has attained the age of 55 years old."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Colvin, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—63

And the bill, H. 607 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carter, Colvin, Cosby, Crow, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Hill, Hogan, Holley, Holmes, Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Rains, Sanderford, Seibels,

Slaughter, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—62

BUDGET ISOLATION RESOLUTION

On motion of Rep. Grouby, Budget Isolation Resolution relating to H. B. 19, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Logan Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Wright and Zoghby.

—60

S. 286 SUBSTITUTED FOR H. 19

On motion of Rep. Grouby, the bill, S. 286, was substituted for the bill, H. 19.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Grouby, the Budget Isolation Resolution relating to S. B. 286 was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Wright and Zoghby.

—64

And the bill:

S. 286. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

Was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Colvin, Cosby, Curry, Dillard, Ford, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Wright and Zoghby.

—68

H. 19 INDEFINITELY POSTPONED

On motion of Rep. Grouby, the bill:

H. 19. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

Was indefinitely postponed.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Walker, the Budget Isolation Resolution and the bill, H. 31, were temporarily carried over.

MOTION TO ADJOURN LOST

The motion offered by Rep. Grayson to adjourn until 10:00 o'clock, Thursday, April 27, 1989, was lost.

Yeas 9; Nays 53.

Yeas:

Reps. Bryant, Buskey (JE), Buskey (JL), Clark (W), Holmes, Laird, Layson, Parker and Turner.

• —9

Nays:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Carothers, Cosby, Curry, Ford, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Haynes, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson,

Sanderford, Seibels, Slaughter, Venable, Walker, White (G), White (L), Williams, Wright and Zoghby.

—53

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution relating to H. B. 486, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Campbell, Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams and Wright.

—58

And the bill:

H. 486. To amend Alabama Code Section 41-9-374 (1975) to delete the specified appropriation provisions for the Alabama Commissioners on Uniform State Laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Wright and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Cosby, Budget Isolation Resolution relating to H. B. 255, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton,

REGULAR SESSION
23rd Day

2309

Hammett, Harvey, Haynes, Hill, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, White (G), White (L), Williams, Wright and Zoghby.

—63

And the bill:

H. 255. (With Amendment): To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Small Business, said committee amendment being as follows:

Amend H. B. 255, Page 1, Section 2, Line 33, after the word "form" by striking the word "~~possessed~~" and adding in lieu thereof the word owned

AMENDMENT TABLED

On motion of Rep. Cosby, the amendment reported by the Standing Committee on Small Business, was tabled.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, White (G), White (L), Williams, Wright and Zoghby.

—62

S. 147 SUBSTITUTED FOR H. 255

On motion of Rep. Cosby, the bill, S. 147, was substituted for the bill, H. 255.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Cosby, Budget Isolation Resolution relating to S. B. 147 was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Holley, Holmes, Johnson (RG), Knight, Kvalheim,

Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, White (G), White (L), Williams, Wright and Zoghby.

—61

And the bill:

S. 147. To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

Was taken up.

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, S. 147:

Amend S. B. 147, Page 1, Section 2, Line 33, after the word "form" by striking the word "possessed" and adding in lieu thereof the word owned

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 2.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Hill, Holley, Holmes, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, White (G), White (L), Williams, Wright and Zoghby.

—62

Nays: Reps. Haynes and Johnson (RG).

—2

And the bill, S. 147 as thus amended, was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Wright and Zoghby.

—68

H. 255 INDEFINITELY POSTPONED

On motion of Rep. Cosby, the bill, H. 255, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to H. B. 307 was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JL), Butler, Carothers, Colvin, Cosby, Crow, Curry, Dillard, Gaston, Gray, Grouby, Hamilton, Hammett, Haynes, Hill, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Thomas, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—59

And the bill:

H. 307. To establish a condemnation law of the State of Alabama for vehicles and equipment used in maliciously setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Section 9-13-11 (a) (1) of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—59

Nays: Reps. Colvin, Payne and Rains.

—3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 535. Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable or educational purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide

for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 768. Relating to Escambia County, providing for the establishment and financing of a county law library and repealing Act No. 596, S. 779, 1969 Regular Session, as amended.

Also:

H. 774. Relating to Conecuh County; to amend Section 9 of Act No. 86-322, 1986 Regular Session, so as to remove the requirement that the county roads be maintained and constructed as a unit.

Also:

H. 807. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax revenues or proceeds into the general fund of the Cullman County school system.

Also:

H. 808. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 111, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Colvin, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—66

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 510. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Public Water Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages

and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

H. 711. Relating to Franklin County; amending Act No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

Also:

H. 717. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

Also:

H. 729. Relating to Lamar County; authorizing and providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money, to perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all

tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

H. 730. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 111. (With Amendment): To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. B. 111, on page 1, in the title, on line 14, after the words "for the" by deleting the word ~~correction~~ and inserting in lieu thereof the word correction

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole,

Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—67

And the bill:

H. 111. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Colvin, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Moon, Newton (C), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—67

RESOLUTIONS

The following resolutions were introduced:

By Reps. Kvalheim, Box, Gaston, Zoghby, Buskey (JE), Hooper, Marietta, Turner, McMillan and Penry:

H. J. R. 457. COMMENDING COACH RONNIE ARROW FOR OUTSTANDING ACCOMPLISHMENTS AS HEAD COACH OF THE UNIVERSITY OF SOUTH ALABAMA BASKETBALL TEAM.

WHEREAS, Coach Ronnie Arrow, in his second season as head coach of the South Alabama Jaguar basketball team, guided the Jaguars to their first ever Sunbelt Tournament Championship and automatic bid to the NCAA Tournament; and

WHEREAS, Coach Arrow was named Sunbelt Conference Coach of the Year; and

WHEREAS, the South Alabama Jaguars finished the 1989 season with a record of 23 and 9 overall, finishing 23rd in the nation in the final USA Today Power rankings; and

WHEREAS, Coach Arrow led his team to its first ever NCAA post season victory with its 86-84 thriller over the University of Alabama; and

WHEREAS, Coach Arrow has displayed professionalism and positive leadership to his players and instilled in them a desire to achieve greatness; and

WHEREAS, Coach Arrow has brought great pride to the University of South Alabama, the community of Mobile and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding achievements and in honor of the prestige he has brought to his school and to the State of Alabama, we hereby most highly commend Coach Ronnie Arrow, to whom a copy of this resolution shall be presented.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 457, was adopted.

Also:

By Reps. Kvalheim, Box, Gaston, Zoghby, Buskey (JE), Hooper, Marietta, Turner, McMillan and Penry:

H. J. R. 458. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA JAGUAR BASKETBALL TEAM FOR THEIR OUTSTANDING SEASON.

WHEREAS, the University of South Alabama finished its 1989 basketball season with a record of 23 and 9; and

WHEREAS, the Jaguars of South Alabama finished number one in the Sunbelt Conference during regular season play and went on to win the Sunbelt Conference Tournament by defeating Jacksonville in the championship game by a score of 105 to 59; and

WHEREAS, Ronnie Arrow's Jaguars placed three players on the all tournament team, along with the Most Valuable Player; and

WHEREAS, as a team, the Jaguars established eight new records, including margin of victory in a championship game, most points in a game and tournament, most points in a half, most field goals in a game and tournament, most assists in a game and tournament, and best 3-point field goal percentage in a tournament; and

WHEREAS, the Jaguars won its first NCAA post season game with an 86-84 thriller over the University of Alabama; and

WHEREAS, the Jaguars went on to represent the State of Alabama in the second round of the NCAA Tournament in a hard-fought game against eventual national champions Michigan; and

WHEREAS, the South Alabama Jaguar basketball team has brought much pride to Alabama, the University of South Alabama and the Mobile community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the outstanding accomplishments of the University of South Alabama basketball team, and in honor of their winning attitude, we hereby most highly commend Coach Ronnie Arrow and the 1989 Jaguar basketball team, to whom a copy of this resolution shall be presented.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 458, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 336. Relating to the possession of weapons on public school property; to make it a Class C misdemeanor for a person to have in his possession

a deadly weapon or dangerous instrument as defined in the Alabama Criminal Code while on the property of any city, county or other local public school or while being transported to or from school or a school related activity on transportation approved by the school; to fix the penalty therefor and to prescribe exemptions.

TOMMY CARTER,
Chairman.

And the bill, H. 336 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Knight, Budget Isolation Resolution relating to H. B. 706, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Box, Breedlove, Brooks, Carothers, Colvin, Cosby, Curry, Dillard, Freeman, Gray, Grayson, Grouby, Hall, Hammett, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, Mathis, Mikell, Moon, Parker, Payne, Perdue, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN LOST

The motion offered by Rep. Rogers that the House adjourn until 10:00 o'clock a.m., Thursday, April 27, 1989, was lost.

Yeas 8; Nays 49.

Yeas:

Reps. Dillard, Laird, Layson, Marks, Parker, Rogers, Turner and Walker.

—8

Nays:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Brooks, Bryant, Butler, Carothers, Colvin, Cosby, Curry, Freeman, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hill, Holley, Johnson (RG), Knight, Kvalheim, Logan, Mathis, McMillan, Mikell, Moon, Payne, Penry, Perdue,

Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Venable, White (G), White (L), Williams, Wright and Zoghby.

—49

SPECIAL ORDER RESUMED

And the bill:

H. 706. To create the Catastrophic Special Education Trust Fund to be administered by the State Department of Education for the purpose of providing educational services to catastrophic cases in Special Education and to further provide that unused portions of the funds be placed in The Catastrophic Special Education Trust Fund for future use in such cases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Colvin, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Haynes, Hill, Hogan, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Logan, Marks, McMillan, Mikell, Moon, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—59

H. 755 RESUMED

And the bill as amended, was read again a third time at length and passed and ordered engrossed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Colvin, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Haynes, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marks, Mathis, McMillan, Mikell, Moon, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, White (L), Williams, Willis, Wright and Zoghby.

—57

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Bryant, the Budget Isolation Resolution and the bill, H. 791, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 886. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection in Choctaw County, so as to provide for the

levy and collection of certain additional property tax for fire protection in said county.

Also:

H. 890. To remove certain property from within the municipal limits of Bear Creek in Marion County.

Also:

H. 893. Relating to Randolph County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Randolph County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Also:

H. 898. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

Also:

H. 899. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 927. Relating to Lowndes County, amending Act No. 166, H. 137, 1961 Regular Session, which levies a sales tax, so as to provide further for the distribution of the tax.

Also:

H. 928. Relating to Lowndes County; to amend Section 12 of Act No. 87-620, H. 1088 of the 1987 Regular Session (Acts 1987, p. 1097) as amended, which levies an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes thereof so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Also:

H. 929. Relating to Lowndes County; to amend Section 6 of Act No. 87-523, H. 1090 of the 1987 Regular Session (Acts 1987, p. 791) which levies a county privilege, license or excise tax on tobacco and certain tobacco products so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Also:

H. 930. Relating to Lowndes County; to grant the county commission certain power relating to levying or increasing county business or privilege licenses.

Also:

H. 934. Proposing an amendment to the Constitution of Alabama of 1901, relating to additional ad valorem taxes in Choctaw County.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 902. Relating to Russell County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

Also:

H. 905. Relating to Lauderdale County, providing further for the compensation of the license commissioner.

Also:

H. 906. Relating to Morgan County; providing for an additional expense allowance for the court reporter of the Eighth Judicial Circuit.

Also:

H. 923. Relating to Pike County; authorizing the Pike County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; and expressing legislative intent regarding said contracts.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 811. Relating to Chilton County, providing for a special recording fee for each document filed for record in the office of the probate judge and to provide for the distribution of such fees.

Also:

H. 812. Relating to Crenshaw County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 859. Relating to Lauderdale County; amending Act No. 84-387, H. 757, 1984 Regular Session, so as to provide further for the term and compensation of the revenue commissioner.

Also:

H. 862. Relating to Marshall County, amending Act No. 87-522, 1987 Regular Session, which provides for a tobacco tax, so as to provide further for the collection of said tax.

Also:

H. 865. Relating to Crenshaw County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales and use tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 831. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Tallapoosa County so as to authorize the county commission to increase certain court costs, to provide for disposition of the increased fees and to provide for retroactive effect.

Also:

H. 833. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

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Also:

H. 835. Relating to Dale County; abolishing the office of constable; and providing an effective date.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 941. Relating to Clay County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Clay County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Also:

H. 947. To amend the title and sections 1, 2, 3, 4 and 5 of Act No. 54, H. 378, approved June 28, 1965 (Acts 1965, p. 75), which provides for a junior college and trade school scholarship program for residents of Franklin County, Alabama, so as to provide for a community college scholarship program for such residents and for the manner of awarding such scholarships.

Also:

H. 949. To amend Section 6 of Act No. 515, H. 756, approved September 14, 1963 (Acts 1963, p. 1100), which levied a tobacco tax in Franklin County, Alabama, so as to provide further for the disposition of the proceeds of the revenue from such tax.

Also:

H. 958. Relating to Chambers County; providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 959. Relating to Chambers County, authorizing the county commission to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow it to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county, and authorizing the county commission to promulgate all necessary or appropriate rules and regulations for the implementation and enforcement of this act.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Hill, Budget Isolation Resolution relating to H. B. 518, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Burke, Butler, Carothers, Colvin, Cosby, Crow, Curry, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Haynes, Hill, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, Mikell, Moon, Parker, Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Willis, Wright and Zoghby.

—53

And the bill:

H. 518. Relating to the Teachers' Retirement System of Alabama, providing that any person employed in a circuit clerk's office may purchase credit for such service regardless of the manner in which such funds were paid or the source of such funds' providing for the cost of such credited service and providing for the expiration of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Burke, Butler, Carothers, Colvin, Cosby, Curry, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harper, Haynes, Hill, Johnson (RG), Kennedy, Kvalheim, Laird, Marks, Mikell, Parker, Payne, Perdue, Poole, Sanderford, Thomas, Turner, Venable, White (G), White (L), Wright and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Black, Budget Isolation Resolution relating to H. B. 73, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Butler, Carothers, Colvin, Cosby, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Haynes, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Parker, Payne, Perdue, Petelos,

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Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Thomas, Turner, Venable, White (G), White (L), Willis, Wright and Zoghby.

—59

And the bill:

H. 73. To amend Section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officers shall include university police officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Brooks, Burke, Butler, Carothers, Colvin, Crow, Curry, Dillard, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Moon, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Thomas, Venable, White (G), White (L), Willis and Wright.

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Penry, Budget Isolation Resolution relating to H. B. 68, was adopted.

Yeas 44; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Clark (W), Colvin, Cosby, Curry, Dillard, Gaston, Gray, Grayson, Grouby, Hammett, Harvey, Hill, Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Moon, Parker, Perdue, Petelos, Richardson, Sanderford, Seibels, Slaughter, Turner, Venable, White (G), White (L), Wright and Zoghby.

—44

Nays: Reps. Freeman, Hall, Holley, Payne and Poole.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 68. Notwithstanding any other penalty, to allow the Commissioner of Agriculture and Industries to impose civil penalties or fines after a hearing thereon for violations of Chapters 27 and 28 of Title 2, Code of Alabama (1975), and any regulations promulgated thereunder; to restrict the penalty to an amount not to exceed \$10,000 to any one person, firm, association or corporation, for an incident, or incidents arising out of the same transaction

with maximum guidelines for said fines and penalties to be adopted by the State Board of Agriculture and Industries; to provide for appeals or review of the Commissioner's action to be heard by the State Board of Agriculture and Industries and that judicial review of the action of the State Board of Agriculture and Industries shall be as provided by the Alabama Administrative Procedures Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 11.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Clark (W), Colvin, Cosby, Curry, Dillard, Gaston, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, Parker, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Turner, Venable, White (L), Williams, Wright and Zoghby.

—46

Nays:

Reps. Beers, Freeman, Hall, Hill, Holley, Johnson (RG), McKee, Moon, Payne, Poole and White (G).

—11

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Bryant, the Budget Isolation Resolution and the bill, H. 791, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution relating to H. B. 57 was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Clark (W), Colvin, Cosby, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Haynes, Hill, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Turner, Venable, White (G), White (L), Williams, Wright and Zoghby.

—58

And the bill:

H. 57. To authorize the Department of Human Resources to establish and administer a welfare employment program; to require certain applicants for and recipients of public assistance to participate in the employment program; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Clark (W), Colvin, Cosby, Curry, Dillard, Escott, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Turner, Venable, White (G), White (L), Williams, Wright and Zoghby.

—64

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 978. Relating to redeeming lands for taxes in Coffee County, Alabama.

Also:

H. 979. Relating to collection and distribution of casual sales and use taxes in Coffee County, Alabama.

Also:

H. 980. Relating to Coffee County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the Revenue Commissioner to the Probate Judge requiring an additional bond of the Probate Judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

Also:

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 996. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute

the net proceeds of said tax to the county general fund; to provide for termination of the tax unless continued at a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 960. To levy and impose on lessors or renters of tangible personal property in Chambers County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property to be deposited into the general fund of the county treasury for the use of Chambers County.

Also:

H. 961. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

Also:

H. 970. Relating to Washington County, providing further for the compensation of the district judge.

Also:

H. 972. Relating to the City of Centre in Cherokee County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for cumulative voting for council members; providing for the elimination of run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Also:

H. 973. Relating to Cherokee County; to authorize a local citation fee for license inspector citations personally served by the license inspector, and to provide for the distribution of said fee.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Petelos, Budget Isolation Resolution relating to H. B. 537, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Colvin, Curry, Escott, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Haynes, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Turner, Venable, White (G), White (L), Williams, Wright and Zoghby.

—59

And the bill:

H. 537. To amend section 13A-12-231, Code of Alabama 1975, so as to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by said section and to provide for distribution of criminal fines.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Box, Brooks, Bryant, Burke, Butler, Colvin, Curry, Escott, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Turner, Venable, Williams, Wright and Zoghby.

—56

Nay: Rep. Grayson.

—1

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 365. To provide for the exemption of certain property from any and all ad valorem taxes.

TOMMY CARTER,
Chairman.

And the bill, H. 365 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 111. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

TOMMY CARTER,
Chairman.

And the bill, H. 111 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Breedlove, Budget Isolation Resolution relating to H. B. 65, was adopted.

Yeas 55; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Clark (W), Colvin, Cosby, Curry, Dillard, Escott, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Haynes, Hill, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Parker, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Turner, Venable, White (G), White (L), Wright and Zoghby.

—55

Nay: Rep. Holley.

—1

S. 297 SUBSTITUTED FOR H. 65

On motion of Rep. Breedlove, the bill, S. 297, was substituted for the bill, H. 65.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Breedlove, Budget Isolation Resolution relating to S. B. 297, was adopted.

Yeas 46; Nays 13.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Carothers, Clark (W), Curry, Dillard, Escott, Gaston, Grouby, Hamilton, Hammett, Harper, Harvey, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Parker,

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Penry, Perdue, Petelos, Richardson, Sanderford, Seibels, Slaughter, Turner, Venable, White (G), Wright and Zoghby.

—46

Nays:

Reps. Burke, Colvin, Ford, Freeman, Hall, Haynes, Hill, Holley, Johnson (RW), Moon, Payne, Rains and White (L).

—13

And the bill:

S. 297. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and 9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244 with respect to deer or turkey.

Was read a third time at length and passed.

Yeas 41; Nays 18.

Yeas:

Reps. Adams, Beasley, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Campbell, Carothers, Clark (W), Curry, Dillard, Gaston, Hammett, Harper, Harvey, Haynes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Penry, Perdue, Richardson, Sanderford, Seibels, Slaughter, Turner, Venable, White (L), Wright and Zoghby.

—41

Nays:

Reps. Beers, Biddle, Bugg, Burke, Butler, Colvin, Ford, Freeman, Grayson, Hall, Hill, Holley, Johnson (RW), Moon, Parker, Payne, Rains and White (G).

—18

H. 65 INDEFINITELY POSTPONED

On motion of Rep. Breedlove, the bill:

H. 65. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and 9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244 with respect to deer or turkey.

Was indefinitely postponed.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Buskey (JL), the Budget Isolation Resolution and the bill, H. 594, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 46. Relating to Jefferson County, authorizing the county commission to enact ordinances prohibiting the overgrowth of weeds and storage of certain junk and providing for penalties for violations of said ordinances.

Also:

H. 541. Relating to Jefferson County; to further amend Section 18 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the number of eligibles to be certified to the appointing authority when one or more vacancy in the position of firefighter or police officer is to be filled, and to provide for related matters.

Also:

H. 661. To authorize the Board of Managers of the city of Birmingham Retirement and Relief System to consider the application of certain named individuals to purchase prior service time and to allow such purchase if, in the judgment of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 143. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Also:

H. 514. Providing that any elected assistant district attorney shall receive all entitlements enumerated in Title 12, Chapter 17, Article 6 of the Code of Alabama 1975.

Also:

H. 907. Relating to the City of Mobile; providing further for cost-of-living increases for persons retired from the city board of health.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 845. Relating to Baldwin County; to amend Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to sustain them to provide for the support of the public schools of Baldwin County, so as to add a new section 10 which partially suspends the tax so long as a certain sales tax, levied by ordinance, is effective.

Also:

H. 908. Relating to Mobile County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 974. Relating to Autauga County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the tax assessor and tax collector to said probate office.

Also:

H. 1001. Relating to Bibb County, providing for a special recording fee for each document filed for record in the office of the probate judge and providing for the distribution of such fees.

Also:

H. 1015. To authorize the Butler County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Rogers:

H. R. 459. MOURNING THE DEATH OF DR. HERMAN STONE OF BIRMINGHAM, ALABAMA.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:28 P.M. on April 26, 1989.

H. 193

H. 218

H. 203

H. 209

H. 205

H. 211

H. 207

H. 212

H. 208

H. 213

H. 215

H. 214

H. 216

Delivered to the Governor at 8:47 P.M. on April 26, 1989.

H. J. R. 379

H. J. R. 320

H. J. R. 381

H. J. R. 324

H. J. R. 382

H. J. R. 325

H. J. R. 383

H. J. R. 326

Delivered to the Governor at 11:54 P.M. on April 26, 1989.

H. 38

H. 500

H. 417

H. 670

H. 778

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

The hour of 12:00 o'clock Midnight having arrived, the Speaker, pursuant to the resolution, H. R. 423, heretofore adopted, declared the House adjourned until 10:00 o'clock a.m., Thursday, April 27, 1989.

TWENTY-FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 27, 1989

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Billy Joe Bass, Providence United Baptist Church, Georgiana, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dan Jinright, Lowndes Academy, Lowndes County, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghyb.

—100

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-third legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Ford, the reading at length of the Journal of the House for the twenty-third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-third legislative day was approved.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 77. To exempt the Alabama School of Fine Arts Foundation in Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

S. 127. To amend section 32-6-272, Code of Alabama 1975, relating to the issuance of license plates to fire fighters, so as to authorize the issuance of said plates at reduced cost to the recipient.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1068. To provide a voluntary checkoff designation of state income tax returns for the United Negro College Fund, Inc.

H. 1069. To amend section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of state employees for certain charitable organizations, so as to include the United Negro College Fund, Inc., within the list of qualified charities.

H. 1000. To allow survivors of the attack on Pearl Harbor to purchase distinctive motor vehicle license plates or tags; to prohibit the transfer of such plates; to prescribe the manner of charging for such license plates or tags; and to provide for the duties and powers of the commissioner of revenue and the probate judge or license commissioner.

Rep. Walker, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 485. To authorize and provide the procedure for employees, officers and retiring employees of certain counties, cities and towns and members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees, officers and retiring employees and their dependents and members of the legislature and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

S. 368. To require disclosure of the use and identification of nonoriginal equipment manufacturer after market crash parts.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1073. Relating to Cleburne County, authorizing certain retired law enforcement officers to retain their badges and pistols.

H. 1074. Relating to Cleburne County; providing for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Rep. Hall, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1039. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

H. 1076. To propose an amendment to the Constitution of Alabama of 1901 pertaining only to Madison County so as to establish a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner

upon the expiration of the current terms of office of tax assessor and tax collector; prescribe the powers, duties, and term of office of said county revenue commissioner and provide for his election; abolish the county offices of tax assessor and tax collector in Madison County; repeal conflicting laws; and provide that this act shall become effective only upon the approval of a majority of the qualified electors of Madison County voting thereon in a referendum election.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 562. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1988.

S. 563. Providing for a local salary supplement for the district judges of the 17th judicial circuit; providing that any local salary supplement provided for said judges by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judges; prescribing the methods for determining and funding the local salary supplement provided by this act for said judges; and repealing Act No. 81-1059, H. 6, 1981 Second Special Session.

S. 565. Relating to Pike County; separating the office of the judge of probate from the chairmanship of the county commission pursuant to Constitutional Amendment 503 to the Constitution of 1901; providing for the compensation of such officers and transferring the duties, authority, records, assets and funds of such officers; and providing for the effective date.

WHEREAS, the people of Pike County have spoken, by ratifying Act No. 88-308, H. 894 of the 1988 Regular Session on November 8, 1988, which act became Constitutional Amendment 503 to the Constitution of 1901, and approved the Pike County Government Modernization Amendment; and

WHEREAS, Amendment No. 503 to the Constitution of 1901, prescribes, in part, that the office of the judge of probate and the chairmanship of the county commission shall be separated; transferring duties, records, assets and funds of such offices; providing for the qualifications and election procedures and compensation for such chairman and the judge of probate, and the effective date; now therefore,

S. 633. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

The above bill was read a second time at length as required by the Constitution.

S. 634. To propose an amendment to the Constitution of Alabama 1901 for Greene County to provide further for filling vacancies in certain county offices.

The above bill was read a second time at length as required by the Constitution.

S. 635. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

The above bill was read a second time at length as required by the Constitution.

S. 640. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

S. 649. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

S. 659. Relating to portions of Morgan County, to authorize the county governing body to levy an additional ad valorem tax, to provide said tax shall be subject to voter approval at a referendum, to provide for the collection and administration of said tax, to provide for the distribution of funds derived from said tax to volunteer fire departments and certain emergency medical technicians, to establish certain standards for eligible volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department and to provide that the county shall be immune from certain liability.

S. 660. Relating to Morgan County; to provide for a voluntary, long-range business, education, and economic planning commission to be known as the "Morgan County 2015 Commission"; to provide for the composition, officers and duties of the commission.

S. 687. To amend Act No. 82-693 passed by the Alabama Legislature and approved by the Governor (as amended by Act No. 84-454) which provides for the creation and establishment of the Shelby County Planning Commission, so as to further provide for membership, organization, authority and function of the Shelby County Planning Commission.

H. 1075. Relating to Autauga County; to authorize the Autauga County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 755. To amend Code of Alabama, 1975, §22-30-11, to provide for additional definitions and to prohibit commercial hazardous waste treatment or disposal facilities from accepting hazardous wastes generated in another state which prohibits the treatment, storage, or disposal of hazardous wastes within its own borders, or which refuses or fails to comply with 42 U.S.C. § 9604(c) (9) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, which requires each state to adequately treat

and dispose of all hazardous wastes reasonably expected to be generated within that state over the next 20 years through the establishment of a hazardous waste treatment or disposal facility within the state or through the use of a hazardous waste treatment or disposal facility located outside the state in accordance with an interstate agreement or regional agreement or authority.

TOMMY CARTER,
Chairman.

And the bill, H. 755 as engrossed, was ordered sent to the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Newman (With Notice and Proof):

H. 1078. Relating to Lamar County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Lamar County; and providing for a referendum election.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1078, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis (With Notice and Proof):

H. 1079. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geneva in Geneva County; and to repeal sections 2 and 3 of Act No. 499, H. 566, 1961 Regular Session (Acts 1961, p. 597), relating to ad valorem taxation exemptions for certain territory within the corporate limits of the municipality of Geneva.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1079, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Beers and Curry:

H. 1080. To amend §32-5A-191, Code of Alabama 1975, relating to driving under the influence, so as to provide for an increase in court fees for violations and for the disposition of the proceeds from this increase.

Committee on Judiciary.

By Rep. Blake (With Notice and Proof):

H. 1081. Relating to St. Clair County; amending Section 16 of Act No. 1728, H. 2522, 1971 Regular Session, which provides for travel expenses

incurred by the members of the county commission in road inspections, so as to provide further for such expenses.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1081, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Layson:

H. 1082. To require all persons born on or after October 1, 1974, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1974, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this act.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Gray (With Notice and Proof):

H. 1083. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of seventy percent (70%) of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1083, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Burke and Gaston:

H. 1084. To amend further Sections 34-22-20 and 34-22-22, Code of Alabama 1975, as amended by Act 89-233 of the 1989 Regular Session,

relating to the practice of Optometry, so as to increase the application and renewal fees for licenses.

Committee on Ways and Means.

RESOLUTION

The following resolution was introduced:

By Rep. Turnham:

H. J. R. 460. CONGRATULATING W. HAROLD GRANT, PH.D., AUBURN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Dr. W. Harold Grant, a resident of Auburn, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Dr. W. Harold Grant, is an active member of Saint Michael Parish, Auburn, Alabama, and he has served in many positions in organizations and boards of his Church; he is a lay leader and has distinguished himself as an educator, his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Dr. W. Harold Grant of Auburn, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Dr. W. Harold Grant, Auburn, Alabama, by the Clerk of the House, so that he and his family may know of our high esteem and deep appreciation.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 460, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 831. Proposing an amendment to the Constitution of Alabama of 1901 pertaining only to Tallapoosa County so as to authorize the county commission to increase certain court costs, to provide for disposition of the increased fees and to provide for retroactive effect.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 886. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection in Choctaw County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit;

H. 899. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Rains:

H. R. 461. COMMENDING MRS. JUNE FRICKS OF GROVE OAK, ALABAMA.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 934. Proposing an amendment to the Constitution of Alabama of 1901, relating to additional ad valorem taxes in Choctaw County.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 768. Relating to Escambia County, providing for the establishment and financing of a county law library and repealing Act No. 596, S. 779, 1969 Regular Session, as amended.

Also:

H. 774. Relating to Conecuh County; to amend Section 9 of Act No. 86-322, 1986 Regular Session, so as to remove the requirement that the county roads be maintained and constructed as a unit.

Also:

H. 807. Relating to Cullman County; to amend further Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), which act levies a sales and use tax in Cullman County and provides for the distribution and use of the tax proceeds, so as to remove a special, separate account established to receive such tax proceeds; to remove the bonding requirements of the custodian of public school funds of Cullman County; and to require the custodian of public school funds to deposit such tax

revenues or proceeds into the general fund of the Cullman County school system.

Also:

H. 808. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

Also:

H. 510. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Public Water Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property;

providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

H. 535. Relating to Etowah County; to provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable or educational purposes shall be legal in Etowah County; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Etowah County.

Also:

H. 711. Relating to Franklin County; amending Act. No. 88-560, S. 665, 1988 Regular Session, which provides for a privilege tax on certain automotive vehicles, so as to clarify the provisions relating to the distribution on the proceeds from the tax.

Also:

H. 717. To amend Section 2 of Act No. 158, H. 178, 1973 Regular Session, pertaining to levying and collecting assessments on forestland in Cullman County.

Also:

H. 729. Relating to Lamar County; authorizing and providing for the incorporation of the Lamar County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act

shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Also:

H. 730. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Bugg:

H. J. R. 462. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama wishes to recognize the extraordinary efforts of Robin Rea, Commissioner of Labor and Mike Morgan,

Assistant Commissioner of Labor of Montgomery, Alabama, during the recent labor dispute in Gadsden, Alabama; and

WHEREAS, the intense dispute occurred on April 1, 1989, between Gulf States Steel and the United Steelworkers of America with feelings on both sides to the breaking point; and

WHEREAS, through the expertise and professionalism of Commissioner Rea and Assistant Commissioner Morgan, communication resumed between the Union and Gulf States Steel and the tension began to subside; and

WHEREAS, a settlement was reached between the parties, the contract was ratified by the Union membership and labor peace will reign for the next four years, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and offer our sincerest appreciation to Commissioner of Labor Robin Rea and Assistant Commissioner of Labor Mike Morgan for their recent efforts related to the labor dispute in Gadsden.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Commissioner Rea and Assistant Commissioner Morgan as a mere token of our high esteem and warmest personal regard.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 462, was adopted.

Also:

By Rep. Rogers:

H. J. R. 463. MOURNING THE DEATH OF DR. HERMAN STONE OF BIRMINGHAM, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature records the death of Dr. Herman Stone, Pastor Emeritus of New Hope Baptist Church, Birmingham, Alabama, on April 12, 1989, at the age of 84 years; and

WHEREAS, Dr. Stone was educated in the Georgia School System, attended Morehouse College, Atlanta, Georgia, and attended several theological seminaries and received the Doctor of Divinity Degree; and

WHEREAS, he gave his life to God at an early age and joined Greater Springfield Baptist Church, Atlanta, Georgia, prior to accepting the Pastorship of New Hope Baptist Church, Birmingham, Alabama, in May 1946, where he served for forty years and was Pastor Emeritus until his death; and

WHEREAS, as Pastor of New Hope Baptist Church, Dr. Stone allowed the church to become a launching pad for many politicians and public figures, and opened the doors of the church to the community, city, state and nation to be used for graduations, public meetings, civil rights meetings, weddings, funerals, etc.; and

WHEREAS, Dr. Stone was a lover of people, especially children and young people, and a dedicated minister not only to his parishioners, but to anyone seeking help; and

WHEREAS, he was active in many civic activities including the civil rights movement in Birmingham, Alabama, the National Baptist Convention U.S.A., Inc., and the Mount Pilgrim District Association; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Dr. Herman Stone, and extend our sincere sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to his widow, Mrs. Lucille Rogers Stone, that she may know of our shared sorrow in her great loss.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 463, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Butler:

H. R. 464. MOURNING THE DEATH OF JOSH O. KELLY OF HUNTSVILLE, ALABAMA.

Also:

By Reps. Clark (W), Buskey (JE), and Kennedy:

H. R. 465. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 108TH BIRTHDAY.

Also:

The following resolutions were introduced:

By Reps. Clark (W), Buskey (JE), and Kennedy:

H. J. R. 466. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 108TH BIRTHDAY.

WHEREAS, it is with great pleasure that the Legislature of Alabama congratulates Mrs. Minnie Turnbo of Whistler, Alabama, on her 108th birthday, May 10, 1989; and

WHEREAS, Mrs. Turnbo, who was born on May 10, 1881, in Maplesville, Chilton County, Alabama, is the mother of twelve children, three of whom are deceased; and

WHEREAS, Mrs. Turnbo, who is a beloved member of her community and an active member of the Prichard Housing Authority Senior Choir, visits the sick on a daily basis and is active in many other endeavors; and

WHEREAS, she has received citations from the President of the United States, the City of Prichard and the State of Alabama in honor of her longevity and wishing her continuing good health, happiness and joy; and

WHEREAS, Mrs. Minnie Turnbo attributes her longevity to praising God on a daily basis, having a pleasant attitude and believing that everyone is equal, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join family and friends of Mrs. Minnie Turnbo of Whistler, Alabama, in extending heartiest congratulations on her 108th birthday and direct that she and other family members receive copies of this resolution in token of our sincere regard and warm best wishes for the future.

On motion of Rep. Clark (W), the rules were suspended and the resolution, H. J. R. 466, was adopted.

Also:

By Rep. Campbell:

H. J. R. 467. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 27, 1989, they adjourn to meet again on Tuesday, May 2, 1989.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 467, was adopted.

Also:

By Rep. Campbell:

H. R. 468. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 27, 1989, we adjourn to meet again on Tuesday, May 2, 1989, at 1:00 P. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 468, was adopted.

Also:

By Reps. Starkey, Goodwin, and Hamilton:

H. J. R. 469. TO DESIGNATE HIGHWAY 72 FROM FLORENCE TO THE MISSISSIPPI LINE THE "W. C. HANDY HIGHWAY."

WHEREAS, Mr. W.C. Handy was born in Florence, Alabama; and

WHEREAS, Mr. Handy later traveled to Memphis where he created a new music art form; and

WHEREAS, W. C. Handy has been named the Father of the Blues; and

WHEREAS, Alabama, Mississippi, and Tennessee are working together to designate the entire stretch of Highway 72 from Florence to Memphis the "W. C. Handy Highway"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 72 from Florence, Alabama, to the Mississippi state line be designated the "W. C. Handy Highway."

RESOLVED FURTHER, That the Highway Department erect appropriate signs to so designate that portion of Highway 72.

On motion of Rep. Starkey, the rules were suspended and the resolution, H. J. R. 469, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 902. Relating to Russell County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

Also:

H. 905. Relating to Lauderdale County, providing further for the compensation of the license commissioner.

Also:

H. 906. Relating to Morgan County; providing for an additional expense allowance for the court reporter of the Eighth Judicial Circuit.

Also:

H. 923. Relating to Pike County; authorizing the Pike County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; and expressing legislative intent regarding said contracts.

Also:

H. 811. Relating to Chilton County, providing for a special recording fee for each document filed for record in the office of the probate judge and to provide for the distribution of such fees.

Also:

H. 812. Relating to Crenshaw County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 859. Relating to Lauderdale County; amending Act No. 84-387, H. 757, 1984 Regular Session, so as to provide further for the term and compensation of the revenue commissioner.

Also:

H. 862. Relating to Marshall County, amending Act No. 87-522, 1987 Regular Session, which provides for a tobacco tax, so as to provide further for the collection of said tax.

Also:

H. 865. Relating to Crenshaw County; authorizing the county commission to levy an additional sales and use tax paralleling the state sales

and use tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63, Code of Alabama 1975, as amended; providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for termination of this act unless continued by a majority of the electors of Crenshaw County in a referendum.

Also:

H. 927. Relating to Lowndes County, amending Act No. 166, H. 137, 1961 Regular Session, which levies a sales tax, so as to provide further for the distribution of the tax.

Also:

H. 893. Relating to Randolph County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Randolph County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Also:

H. 898. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

Also:

H. 890. To remove certain property from within the municipal limits of Bear Creek in Marion County.

Also:

H. 928. Relating to Lowndes County; to amend Section 12 of Act No. 87-620, H. 1088 of the 1987 Regular Session (Acts 1987, p. 1097) as amended, which levies an excise tax on persons, corporations, copartnership, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes thereof so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Also:

H. 929. Relating to Lowndes County; to amend Section 6 of Act No. 87-523, H. 1090 of the 1987 Regular Session (Acts 1987, p. 791) which levies a county privilege, license or excise tax on tobacco and certain tobacco products so as to provide further for the distribution and the use of the funds derived therefrom and to provide for retroactive effect.

Also:

H. 930. Relating to Lowndes County; to grant the county commission certain power relating to levying or increasing county business or privilege licenses.

Also:

H. 941. Relating to Clay County, to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the enforcement and collection of the tax, and distribution of the proceeds therefrom; authorizing the Forestry Commission and the Clay County Fire Fighters Association to set up rules and guidelines for providing County Fire protection, and expressing legislative intent.

Also:

H. 947. To amend the title and sections 1, 2, 3, 4 and 5 of Act No. 54, H. 378, approved June 28, 1965 (Acts 1965, p. 75), which provides for a junior college and trade school scholarship program for residents of Franklin County, Alabama, so as to provide for a community college scholarship program for such residents and for the manner of awarding such scholarships.

Also:

H. 949. To amend Section 6 of Act No. 515, H. 756, approved September 14, 1963 (Acts 1963, p. 1100), which levied a tobacco tax in Franklin County, Alabama, so as to provide further for the disposition of the proceeds of the revenue from such tax.

Also:

H. 958. Relating to Chambers County; providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 959. Relating to Chambers County, authorizing the county commission to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow it to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county, and authorizing the county commission to promulgate all necessary or appropriate rules and regulations for the implementation and enforcement of this act.

Also:

H. 833. To provide for the levy and collection of special county privilege and license taxes in Houston County paralleling the state sales tax provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes in Houston County paralleling the state use tax provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the period of time during which and the rates at which such taxes shall be levied; to provide for the distribution of the proceeds of such taxes; and to provide for the enforcement of this act by the State Department of Revenue.

Also:

H. 835. Relating to Dale County; abolishing the office of constable; and providing an effective date.

Also:

H. 960. To levy and impose on lessors or renters of tangible personal property in Chambers County an additional license or privilege tax based

on the gross proceeds of such business of leasing or renting tangible personal property to be deposited into the general fund of the county treasury for the use of Chambers County.

Also:

H. 961. Relating to Chambers County; authorizing the county commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

Also:

H. 970. Relating to Washington County, providing further for the compensation of the district judge.

Also:

H. 972. Relating to the City of Centre in Cherokee County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing for cumulative voting for council members; providing for the elimination of run-off elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Also:

H. 973. Relating to Cherokee County; to authorize a local citation fee for license inspector citations personally served by the license inspector, and to provide for the distribution of said fee.

Also:

H. 996. Relating to Bibb County; to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county; to provide for collection of said tax by the state revenue department; to distribute the net proceeds of said tax to the county general fund; to provide for termination of the tax unless continued at a referendum; and to repeal Act No. 88-877 of the 1988 Regular Session.

Also:

H. 978. Relating to redeeming lands for taxes in Coffee County, Alabama.

Also:

H. 979. Relating to collection and distribution of casual sales and use taxes in Coffee County, Alabama.

Also:

H. 980. Relating to Coffee County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the Revenue Commissioner to the Probate Judge requiring an additional bond of the Probate Judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

Also:

H. 984. Relating to Marshall County, levying a sales tax on certain alcoholic beverages sold at retail in the county and providing for its distribution.

Also:

H. 845. Relating to Baldwin County; to amend Act No. 609, H. 1167 of the 1900-1901 Legislature of Alabama levying a special tax within constitutional limits to sustain them to provide for the support of the public schools of Baldwin County, so as to add a new section 10 which partially suspends the tax so long as a certain sales tax, levied by ordinance, is effective.

Also:

H. 908. Relating to Mobile County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 974. Relating to Autauga County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the tax assessor and tax collector to said probate office.

Also:

H. 1001. Relating to Bibb County, providing for a special recording fee for each document filed for record in the office of the probate judge and providing for the distribution of such fees.

Also:

H. 1015. To authorize the Butler County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 907. Relating to the City of Mobile; providing further for cost-of-living increases for persons retired from the city board of health.

Also:

H. 514. Providing that any elected assistant district attorney shall receive all entitlements enumerated in Title 12, Chapter 17, Article 6 of the Code of Alabama 1975.

Also:

H. 143. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Also:

H. 46. Relating to Jefferson County, authorizing the county commission to enact ordinances prohibiting the overgrowth of weeds and storage of certain junk and providing for penalties for violations of said ordinances.

Also:

H. 541. Relating to Jefferson County; to further amend Section 18 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the number of eligibles to be certified to the appointing authority when one or more vacancy in the position of firefighter or police officer is to be filled, and to provide for related matters.

Also:

H. 661. To authorize the Board of Managers of the city of Birmingham Retirement and Relief System to consider the application of certain named individuals to purchase prior service time and to allow such purchase if, in the judgement of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Carothers, the House concurred in and adopted the Senate amendment to the bill, H. 795, said Senate amendment being as follows:

Amend H. B. 795, Section 7, Page 2, line 21, by inserting immediately after the word "revenue" and preceding the word "to" the following language to read:

to the Houston County Commission on a monthly basis. Said proceeds shall be deposited

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Brooks, Bryant, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Headley, Hill, Hogan, Knight, Kvalheim, Marrietta, Marks, Mathis, McDowell, Moon, Newton (C), Parker, Payne, Perdue, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 540. Relating to Jefferson County; to further amend Sections 18 and 20 of an act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as heretofore amended, relating to creating and establishing in counties having a population of 400,000 or more, according to the last or any future federal census, a county-wide civil service system; to provide for the certification of five names to fill vacancies in positions other than department head or entry-level police or firefighter positions at the option of the appointing authority, and to provide for related matters.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Newton (D), the House concurred in and adopted the Senate amendment to the bill, H. 540, said Senate amendment being as follows:

On page 5, line 23, after the period, insert the following sentence:

This section shall not apply to promotional lists.

On page 7, line 12, after the period, insert the following sentence:

This section shall not apply to promotional lists.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Freeman, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Johnson (RW), Kennedy, Kvalheim, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Warren, White (G), White (L), Willis and Zoghby.

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Nay: Rep. Payne.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for educational purposes and providing for a referendum on such taxes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Bryant, the House concurred in and adopted the Senate amendment to the bill, H. 852, said Senate amendment being as follows:

Amend H. B. 852, Page 1, Line 14, as follows: Delete the words "educational purposes" and insert in lieu thereof "purposes for which general funds may be used"

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Headley, Hill, Hogan, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for a retroactive effective.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Drake, the House concurred in and adopted the Senate amendment to the bill, H. 914, said Senate amendment being as follows:

Amend H. B. 914, page 1, line 14 by striking after the word "for" the following: ~~a retroactive effective~~ and inserting the following: retroactive effect

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Headley, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Mikell, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Rains, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, White (G), Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 150. To propose an amendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Bugg, the House concurred in and adopted the Senate amendment to the bill, H. 150, said Senate amendment being as follows:

Amend H. B. 150, on page 2, line 9, as follows: After the word "license" insert the following language:

"except the tax-exempt Etowah County Council on Aging is exempt from the time requirement"

Further amend H. B. 150, on page 2, line 19, as follows: After the word "fees" insert the following language:

"nor any compensation nor salary"

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Clark (W), Clay, Colvin, Curry, Dillard, Freeman,

Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harper, Headley, Hill, Hogan, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Goodwin and Covington:

S. J. R. 191. COMMENDING OUR COLLEAGUE LESTER WHITE OF DADEVILLE, RECIPIENT OF THE OUTSTANDING LEGISLATOR AWARD.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Hall, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 191, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Hand:

S. J. R. 185. COMMENDING DR. GARY L. BRANCH, PRESIDENT OF FAULKNER STATE JUNIOR COLLEGE IN BAY MINETTE, ALABAMA.

Also:

By Senator Rice:

S. J. R. 187. COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS ON THEIR OUTSTANDING 1988-1989 BASKETBALL SEASON.

Also:

By Senators Bedsole, Windom, Hand, and Figures:

S. J. R. 188. NAMING THE HUMAN RESOURCE CENTER AT SEARCY HOSPITAL IN MOUNT VERNON, ALABAMA, THE "DR. E. L. MCCAFFERTY, SR., HUMAN RESOURCE CENTER."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Penry, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 185, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 187, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 188, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Langford:

S. J. R. 177. CONGRATULATING MARGARET ELMORE, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holmes, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 177, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole, Figures, Windom, Hand, and Amari:

S. J. R. 176. COMMENDING PAUL S. TIPTON, S. J., FOR DISTINGUISHED SERVICE AS PRESIDENT OF SPRING HILL COLLEGE, MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Clark (W), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 176, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Butler, Freeman, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke,

Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 470. COMMENDING THE FORMATION OF THE HELEN KELLER EYE RESEARCH FOUNDATION.

WHEREAS, blindness and vision loss annually cost the American people incalculable hardship and an estimated \$14 billion; and

WHEREAS, blindness is the most feared of all disabilities in polls of the American public; and

WHEREAS, eye research represents our hope of conquering this affliction; and

WHEREAS, Helen Keller is Alabama's most honored citizen; and

WHEREAS, Winston Churchill called Helen Keller the greatest woman of the twentieth century; and

WHEREAS, her name is synonymous with courage against blindness worldwide; and

WHEREAS, Helen Keller's life represents a potential legacy of worldwide goodwill for her home state of Alabama; and

WHEREAS, eye research represents an exciting step forward into the future for Alabama; and

WHEREAS, Alabama recognizes research and education based on it to be the future hope of our state; and

WHEREAS, Alabama scientists, physicians, and interested citizens have, during 1988, formed the Helen Keller Eye Research Foundation, to honor her name, to unify eye research in Alabama, and to promote eye research worldwide; and

WHEREAS, the Foundation has attracted scientific participants, including Nobel Laureates and members of the National Academy of Science from Alabama, the nation, and the world; and

WHEREAS, three generations of Helen Keller's family, including her niece, Patty Tyson Johnson, enthusiastically endorse the research foundation; and

WHEREAS, the Helen Keller Festival will occur in her birthplace of Tuscumbia, Alabama, in June, 1989, honoring the 109th year of her birth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby encourage the Honorable Guy Hunt, Governor of the State of Alabama, and all elected officials,

to attend the Helen Keller Festival, and to announce to the state, the nation, and to the world, the formation of the Helen Keller Eye Research Foundation in her home state, and we encourage Alabama leaders and all citizens to recognize this event which will be significant in the history of our state.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 470, was adopted.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Thomas, the Budget Isolation Resolution and the bill, S. 604, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 998 was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Brooks, Bryant, Carothers, Clark (W), Colvin, Curry, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Higginbotham, Hogan, Johnson (RW), Kennedy, Knight, Layson, Logan, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 998. Proposing a constitutional amendment, pursuant to Amendment 425 of the Constitution of 1901, relating to Coosa County and the manner and method of compensating associate county commissioners, and providing for the election thereon.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Campbell, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Flowers, Ford, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Higginbotham, Hogan, Johnson (RW), Kennedy, Knight, Layson, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne,

Penry, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—69

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to S. B. 604, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Frazier, Freeman, Goodwin, Grayson, Hall, Hammett, Hogan, Kennedy, Knight, Logan, Marietta, Marks, Mathis, McClain, McMillan, Mikell, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, White (G), Willis, Wright and Zoghby.

—53

And the bill:

S. 604. To provide that the local governing bodies in Lowndes County and the Lowndes County governing body shall have certain mandatory authority and participation in solid waste collection and disposal programs; to provide for the authority of said local governing bodies to adopt by resolutions and ordinances reasonable rules and regulations relating to such participation; to provide for certain public nuisance violations and fines; to provide for certain assessments and procedures, all relating to solid waste collection and disposal facilities; to provide for fees and assessments, and fines for violations; to provide for hearings of aggrieved parties and fines.

Was taken up.

SUBSTITUTE OFFERED

Rep. Thomas offered the following substitute to the bill, S. 604:

A BILL
TO BE ENTITLED
AN ACT

To provide that the local governing bodies in Lowndes County and the Lowndes County governing body shall have certain mandatory authority and participation in solid waste collection and disposal programs; to provide for the authority of said local governing bodies to adopt by resolutions and ordinances reasonable rules and regulations relating to such participation; to provide for certain public nuisance violations and fines; to provide for certain assessments and procedures, all relating to solid waste collection and disposal facilities; to provide for fees and assessments, and fines for violations; to provide for hearings of aggrieved parties and fines.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Any law to the contrary notwithstanding, in addition to any and all other provisions of law or parts of law, relating to solid waste

disposal programs, the provisions of this act shall also be applicable in Lowndes County, in order to preserve the health, safety and welfare of its people.

(b) The provisions of this act shall be cumulative to any and all other provisions of law relating to solid waste disposal programs and services except to the extent there is a direct conflict herewith.

Section 2. In Lowndes County, the county commission, or any municipal governing body therein, providing services to the public under the provisions of this act shall have the power and authority by resolution or ordinance to adopt rules and regulations providing for mandatory public participation in and subscription to such system of services. Every individual, household, business, industry or property generating solid wastes, garbage or ash as defined in this section shall participate in and subscribe to such system of service unless granted a certificate of exception as provided in subsection (f) of Section 4. In the event such individual, household, business, industry or property owner who has not been granted a certificate of exception refuses to participate in and subscribe to such system of service, the county commission or municipal governing body may bring an appropriate civil action in circuit court to require participation and subscription. Except as provided in subsection (f) of Section 4, any person, firm or corporation violating such rules and regulations shall be in violation of the provisions of this act and shall be subject to the provisions of Section 22-27-7, Code of Alabama 1975, as amended.

Section 3. The county commission shall not provide solid waste collection and disposal services within the corporate limits of a municipality without the express consent of the municipal governing body of such municipality nor shall any municipality provide solid waste collection and disposal services outside its corporate limits without the express consent of the county commission of the county in which it is situated.

Section 4. As used in this act, the following words shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

(a) Solid waste officer. Any county official or county employee designated by the county commission to exercise the authority and perform the duties delegated by this act to such official.

(b) Garbage disposal. Garbage and rubbish containing garbage shall be disposed of by sanitary landfill, approved incineration, composting or by other means now available or which may later become available as approved by the governing body. The method chosen and used shall also meet the requirements of the county health department for sanitation and the protection of public health.

(c) Burning. No garbage or rubbish containing garbage or other putrescible materials or hazardous wastes shall be burned except in approved incinerators meeting the regulations of the Alabama Department of Environmental Management requirements and air pollution controls as now established or as may later be established. The open burning of rubbish shall be permitted only under sharply controlled circumstances where sanitary landfill or landfill is not feasible and not in proximity to sanitary landfill or landfill operations where spread of fire to these operations may be a hazard in the opinion of the department.

(d) Haulage. Trucks or other vehicles engaged in the business of hauling garbage and rubbish which use public roads shall be so covered, secured or sealed that there will be no loss during haulage to cause littering of county or municipal roads, streets and highways, or cause a nuisance or hazard to the public health.

(e) Department. Alabama Department of Environmental Management.

(f) Exception. A person, household, business, industry or any property owner may store, haul and dispose of his own solid wastes on his land or otherwise, provided such storage, haulage or disposal is accomplished pursuant to a certificate of exception as provided by the state. In order to obtain a certificate of exception, an application, an application fee, and plan must be filed with the county health officer or his designee in the case of household solid waste or with the department in the case of solid waste from business or industry, setting out the proposed method of storing, hauling and disposing of solid waste so as to comply with rules and regulations adopted by the state or county boards of health or the department as appropriate and not create a public nuisance or hazard to the public health. A permit relating to the storage, haulage, or disposal of solid waste issued by the Alabama Department of Environmental Management shall serve as a certificate of exception. The certificate of exception application fee shall be established by the state board of health or the department, as the case may be, except that with regard to an individual household such fee shall be \$25.00. The proceeds from such application fees are hereby appropriated to the state board of health or the department, as the case may be, to be used for the administration of the provisions of this act. The county health officer or his designee or the department as appropriate shall investigate such application and plan and issue a certificate of exception within the time set by the state board of health or the department, as the case may be (not to exceed sixty days in the case of an individual household), if such proposal will, in such officer's or designee's or the department's judgment, comply with such rules and regulations and adequately prevent a public nuisance or hazard to public health. A certificate of exception granted under authority of this subsection shall be valid for the period established by the department, except that in the case of an individual household such period shall not exceed one year. The county health officer or his designee or the department shall notify the county commission or municipal governing body in writing of the intention to grant a certificate of exception and no such certificate of exception shall be granted without prior written approval of the county commission or municipal governing body as the case may be, except where a department permit serves as a certificate of exception.

Section 5. (a) The Lowndes County commission shall by resolution provide for the orderly collection of fees charged under the provisions of this act. The county commission may establish a periodic payment system and is authorized to purchase necessary supplies and materials and employ personnel necessary to effectuate any such periodic payment system. Such periodic payment system may be effected by the county by negotiating with any one or more public or private utilities providing service in the county for the periodic billing of such fees and the collection thereof on behalf of the county by one or more such utilities. Any delinquencies in any such payments shall entitle the county to pursue any remedy provided in this act including the enforcement of any lien obtained hereunder. The county may agree to pay reasonable compensation to any such utility for its services in connection with the collection and payment to the county of all such sums so collected.

(b) Whenever the solid waste officer shall find that any owner of solid waste generating property has failed to subscribe to the county solid waste collection program and pay the required solid waste collection and disposal fees or has failed to obtain a certificate of exception as provided in this act, such failure shall constitute a public nuisance and such officer shall give the person, firm, association or corporation last assessing the property for state taxes and all mortgages of record notice by personally serving upon such person, firm, association, corporation, or mortgagee a copy of said notice to comply with the requirements of this act within a reasonable time set out in said notice, which time shall be not less than sixty days, or suffer such solid waste collection and disposal fees to be assessed against the property. In the event that any such personal service is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding two sentences, may also be, but is not required to be, posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such property.

(c) Should such notice not be complied with within sixty days, all necessary employees of such county are hereby expressly authorized to enter said private property for the purpose of providing solid waste collection and disposal services. The cost of such services, including any monthly fees not theretofore paid, shall be rendered in an itemized report and shall constitute a special assessment against said property. Such special assessment shall not be greater than the cost to the county for providing such solid waste collection and disposal services nor shall such special assessment be greater than twenty dollars multiplied by the number of months of service, not to exceed twelve months, which have not been paid for by the property owner. A copy of said report of costs will be forwarded to the appropriate official charged with collection of taxes and assessments whereupon it shall be the duty of said official to add the amount of the respective assessment to the next regular bill for taxes levied against the said property for county purposes. Thereafter said amounts shall be collected at the same time and in the same manner as ordinary county taxes are collected. Said amounts shall be a lien in favor of the county upon property against which the assessment was made and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes.

(d) Within the time specified in such notice, but not more than sixty days from the date such notice is given, any person, firm or corporation having an interest in such property may file a written request for a hearing before the county commission, together with his objections to the finding by the solid waste officer that such property owner has failed to comply with the provisions of this act, and his correct mailing address. The filing of such request shall hold in abeyance any action on the finding of such officer until determination thereon is made by the county commission. Upon holding such hearing, which hearing shall be held not less than ten nor more than sixty days after such request, or in the event no hearing is timely requested, the county commission, after the expiration of sixty days from the date such notice is given, shall determine whether or not such owner has complied with the provisions of this act. Notice of such meeting of the county commission, and that such determination will be made thereat, shall be mailed to the person, firm or corporation requesting the hearing at the address stated in the request. In the event that it is determined by such

county commission that such property owner has not complied with the provisions of this act, the county commission shall order such assessment to be made.

(e) Any person aggrieved by the decision of the county commission at such hearing may, within thirty days thereafter, appeal to the circuit court upon filing with the clerk of said court notice of said appeal and bond for security of costs in the form and amount to be approved by the circuit clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the county clerk or administrator and said appeal shall be docketed in said court, and shall be a preferred case therein. The county clerk or administrator shall, upon receiving such notice, file with the circuit clerk a copy of the findings and determination of the county commission in proceedings, and trial shall be held without jury upon the determination of the county commission that such property owner has failed to comply with the provisions of this act.

Section 6. With regard to the collection of solid wastes, the health department shall exercise such supervision over equipment, methodology and personnel in the management of solid wastes as may be necessary to enforce sanitary requirements, and the state and county boards of health may adopt such rules and regulations as may be needed to specify methodology and procedures to meet the requirements of this act. With regard to the disposal of solid wastes, the department shall exercise such regulatory control over the management of solid wastes as may be necessary to enforce the requirements of the department, and the department may adopt such rules and regulations as may be needed to meet the requirements of this act. Any person violating any provision of this act or any rule or regulation made pursuant to this act shall be guilty of a violation and, upon conviction, shall be fined as provided by state law and not less than \$50.00 nor more than \$250.00 and, if the violation or failure or refusal to obey or comply with such provision of this act or such rule or regulation is a continuing one, each day's violation shall constitute a separate offense and shall be fined accordingly. Any person, firm or corporation granted an exception under this act who, or which, fails to carry out and comply with the provisions of the proposals embodied in the application and plan upon which a certificate of exception was issued to him or it shall be guilty of a misdemeanor and shall be punished as provided in this section. Any person, firm or corporation which has not been issued a certificate of exception under this act and which utilizes the solid waste disposal system of any county or municipality and which fails to pay the fee, rate or charge established by the county commission or municipal governing body therefor shall be guilty of a violation and shall be fined as provided in this section.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Clay, Colvin, Freeman, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hogan, Johnson (RW), Kennedy, Logan, Marietta, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Rains, Rogers, Sanderford, Spratt, Starkey, Thomas, Venable, White (G), Willis, Wright and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 604 as thus amended, was read a third time at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Clark (W), Clay, Colvin, Freeman, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hogan, Johnson (RW), Kennedy, Marietta, Marks, McClain, Melton, Mikell, Newman, Newton (C), Newton (D), Parker, Penry, Petelos, Poole, Rains, Sanderford, Seibels, Spratt, Starkey, Thomas, Venable, White (G), Willis, Wright and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Willis, Budget Isolation Resolution relating to H. B. 1053, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Brooks, Buskey (JE), Carothers, Clark (W), Colvin, Crow, Curry, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hogan, Johnson (RW), Kennedy, Knight, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Newman, Newton (D), Parker, Payne,

Penry, Petelos, Poole, Rains, Sanderford, Slaughter, Spratt, Turner, Turnham, White (G), Willis, Wright and Zoghby.

—53

And the bill:

H. 1053. Relating to the City of Jacksonville in Calhoun County, to amend Act 2182, H. 2753 of the 1971 Regular Session (Acts of 1971, p. 3489) as last amended, pertaining to the Jacksonville Civil Service System, so as to alter the compensation of board members; to provide for the board's annual budget; and to alter the number of persons on an eligible list from which the appointing authority may select.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Crow, Curry, Dillard, Frazier, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hogan, Johnson (RW), Kennedy, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rogers, Sanderford, Slaughter, Spratt, Turner, Turnham, White (G), White (L), Willis, Wright and Zoghby.

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman Budget Isolation Resolution relating to H. B. 1054, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Colvin, Curry, Dillard, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Johnson (RW), Kennedy, Knight, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, White (G), White (L), Willis, Wright and Zoghby.

—57

And the bill:

H. 1054. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Clay, Colvin, Crow, Curry, Ford, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Johnson (RG), Johnson (RW), Kennedy, Knight, Logan, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Crow, Budget Isolation Resolution relating to H. B. 1057, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Clark (W), Clay, Colvin, Crow, Curry, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Logan, Marietta, Marks, McClain, McMillan, Melton, Mikell, Newman, Parker, Payne, Penry, Petelos, Poole, Rogers, Sanderford, Slaughter, Starkey, Turner, Turnham, White (G), Willis, Wright and Zoghby.

—54

And the bill:

H. 1057. Relating to Calhoun County, Alabama; to authorize Calhoun County in the furtherance of the public health, safety and general welfare of the citizens of the county to engage in arranging for fire hydrants on and along all water mains of appropriate diameter in unincorporated areas of Calhoun County; to authorize Calhoun County to negotiate and enter into agreements, with any entity or entities owning or maintaining water mains or systems, as may be necessary to allow fire hydrants to be provided pursuant to the provisions of this act; to provide for the county's responsibility in regard to fire hydrants provided pursuant to this act; to authorize Calhoun County to establish and maintain special funds for the purposes of providing such fire hydrants and for the inspection and maintenance of such fire hydrants; to allow the investment by the county of funds so as to generate adequate income for the continued inspection and maintenance of fire hydrants provided pursuant to this act; to authorize Calhoun County to set the amount required for the purchase and installation of a fire hydrant and the amount necessary to provide for the continued inspection and maintenance of a fire hydrant; to require a person or legal entity desiring a fire hydrant to pay the county the amounts set by the county commission for its purchase and installation and its inspection and maintenance; to provide that all entities now or in the future providing water or water services within the boundaries of Calhoun County shall be required to make all purchases, and to do all installations, maintenance and servicing of fire hydrants, provided under the provisions of this act, for their usual and customary

charges for such purchases and services; to authorize Calhoun County to levy and collect and inspection and maintenance fee should such become necessary; to require municipalities which are formed or which annex land with fire hydrants into their corporate limits to assume full responsibility for the continued inspection and maintenance of fire hydrants within such annexed or newly incorporated areas, or to provide for the adequate assumption of such responsibility; and to provide that the furnishing of fire hydrants pursuant to this act is a governmental function and to exempt Calhoun County from all tort liability in connection with the providing of fire hydrants pursuant to this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Clay, Crow, Curry, Dillard, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Logan, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, White (G), White (L), Willis, Wright and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Kvalheim, Budget Isolation Resolution relating to S. B. 642, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Colvin, Curry, Dillard, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McMillan, Melton, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rogers, Slaughter, Starkey, Turner, Turnham, White (G), White (L), Willis, Wright and Zoghby.

—53

And the bill:

S. 642. Amending Act No. 80-164, H. 167, 1980 Regular Session, which supplements the salaries of the Circuit Judges of the Thirteenth Judicial Circuit in Mobile County, so as to increase said supplement.

Was read a third time at length and passed.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Colvin,

Curry, Dillard, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McMillan, Melton, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Rogers, Sanderford, Spratt, Starkey, Turner, Turnham, White (G), White (L), Willis, Wright and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 1059, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Colvin, Crow, Curry, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newton (C), Parker, Payne, Penry, Petelos, Poole, Sanderford, Seibels, Starkey, Thomas, Turner, Willis, Wright and Zoghby.

—57

And the bill:

H. 1059. (With Substitute): Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 952), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including

students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 940), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 940), are hereby amended to read as follows:

"Section 8. HOW TO MAKE APPLICATION FOR LICENSE:

"(a) Any person desiring to practice barbering, or desiring to practice as an apprentice barber, shall file with the Secretary of the Board a written application, under oath, on a form prescribed by the Board, together with two photographs of the applicant, 2 x 3 inches in size, and satisfactory proof that applicant is of good moral character and also furnish the Board with a certificate issued by the County Health Department from a practicing medical physician of such county showing that applicant is free from any contagious, infectious or communicable disease, including gonorrhea, syphilis and tuberculosis.

"(b) Neither a medical examination nor new photographs shall be required for the renewal of a barber shop operator's license or a teacher or instructor certificate or license."

"Section 14. FEES. The Board of Barber Commissioners shall charge and collect the following fees:

"(a) The original as well as any subsequent examination fee for barber or apprentice shall be ~~\$15.00~~ \$25.00 per examination. Any such fee shall also include the cost of the issuance of any such barber or apprentice license which may thereafter be issued;

"(b) For the annual renewal of a barber or apprentice license, a fee of ~~\$10.00~~ \$20.00 shall be charged;

"(c) For restoration of an expired barber or apprentice license, a fee of ~~\$15.00~~ \$25.00 shall be charged. Upon the payment of such fee such license shall be restored without examination provided application is made therefore, within a period of two years from the date of the expiration of any such license. There shall be a \$5.00 delinquent fee charged for each month late to cover expenses of collecting late license fees.

"(d) For the application and issuance of a new barber shop operator's license, a fee of \$50.00 shall be charged;

"(e) For the annual renewal of a barber shop operating license, a fee of ~~\$5.00~~ \$15.00 shall be charged. Also, barber shops ~~can be penalized~~ shall be charged a delinquent fee of \$5.00 a month for each month late to cover the cost of collecting such late fee;

"(f) For the application and examination of Teacher or Instructor applicant and issuance of a Teacher or Instructor certificate or license, a fee of \$50.00 shall be charged;

"(g) For the annual renewal of a Teacher or Instructor certificate or license, a fee of ~~\$25.00~~ \$35.00 shall be charged;

"(h) All licenses required under this act shall be renewed annually on or before January 1;

"(i) A duplicate license will be issued upon the filing of a statement covering the loss of such license, verified by the oath of the applicant, and accompanied by the payment of a fee of ~~\$10.00~~ \$20.00 for the issuance of same. Each duplicate license shall have the word "Duplicate" stamped across the face thereof and will bear the same number as the originally issued license."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clay, Colvin, Curry, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Sanderford, Seibels, Slaughter, Spratt, Turner, Turnham, Warren, White (G), Willis, Wright and Zoghby.

—57

And the bill:

H. 1059. Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 940), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

REGULAR SESSION
24th Day

2375

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Colvin, Crow, Curry, Dillard, Escott, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Hogan, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Turner, Turnham, White (G), White (L), Willis and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Ford, Budget Isolation Resolution relating to S. B. 574, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Colvin, Curry, Dillard, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hamilton, Harper, Harvey, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turnham, Venable, White (G), Willis and Zoghby.

—55

And the bill:

S. 574. (With Amendment): Relating to Etowah County; levying an additional ad valorem tax in the county, pursuant to Constitutional Amendment No. 373, Constitution of 1901, as amended, for school district capital improvement purposes and providing for an appropriate referendum; and providing for the discontinuance of such tax.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend S. B. 574, Page 1, in the Title, on Line 16, after the word and semicolon "referendum;" by adding the following: providing for certain exemptions;

Further amend S. B. 574, Page 3, immediately following Line 8 by inserting the following new Section 6 and renumbering the subsequent sections accordingly:

Section 6. No person who is 65 years of age and older nor any person whose annual gross income is \$6,500 or less shall be subject to this act and

the property or properties of such persons shall be exempt from any tax levied by this act.

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Colvin, Crow, Curry, Dillard, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Harper, Johnson (RG), Johnson (RW), Kennedy, Knight, Layson, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turnham, Venable, White (G), Willis and Zoghby.

—53

And the bill, S. 574 as thus amended, was read a third time at length and passed.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Colvin, Crow, Curry, Dillard, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turnham, White (G), Willis, Wright and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Ford, Budget Isolation Resolution relating to H. B. 856, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Colvin, Curry, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Johnson (RW), Kennedy, Knight, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), Willis, Wright and Zoghby.

—57

And the bill:

H. 856. (With Amendment): Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 856, Page 1, in the Title on Line 16 after the word "city" by striking the period ; and inserting the following: ; and providing for certain exemptions.

Further amend H. B. 856, Page 1, immediately following Line 32 by inserting the following new Section 3 and renumbering subsequent sections accordingly:

Section 3. No person who is 65 years of age and older nor any person whose annual gross income is \$6,500 or less shall be subject to this act and the property or properties of such persons shall be exempt from any tax levied by this act.

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Freeman, Fuller, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Rains, Sanderford, Seibels, Slaughter, Thomas, Turnham, Warren, White (F), White (G), White (L), Wright and Zoghby.

—57

And the bill:

H. 856. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city; and providing for certain exemptions.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Logan, Budget Isolation Resolution relating to H. B. 1055, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Colvin, Curry, Dillard, Escott, Freeman, Fuller, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Thomas, Turnham, Warren, White (F), White (G), Willis, Wright and Zoghby.

—60

And the bill:

H. 1055. Relating to Marion County; providing that any monies collected from the additional court costs levied by Act No. 85-933, H. 243, 1985 Second Special Session (Acts 1985, p. 235), and amendment thereto and Act No. 85-934, S. 216, 1985 Second Special Session (Acts 1985, p. 235) and paid to the clerk of the circuit court under the authority of such acts, shall be distributed to the Marion County department of human resources for deposit in a separate fund; and to provide that the interest derived from such monies shall be used for handicapped children in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Escott, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Poole, Richardson, Sanderford, Slaughter, Starkey, Thomas, White (G) and Zoghby.

—57

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 471. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 24th legislative day, Thursday, April 27, 1989, taking precedence over any other business of the House:

BASEBALL—Each member, when recognized by the Speaker for Baseball, shall have the opportunity to bring up one (1) bill. The member shall have ten (10) minutes to explain the bill and have it voted on. The Speaker shall call House Districts alternately from the remaining districts not called on the 23rd legislative day, one from the top and one from the bottom.

When a House bill has been called up and there is an identical Senate bill on the House calendar, it may be substituted for the House bill.

On motion of Rep. Ford, the resolution, H. R. 471, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 124. To amend Section 22-6-8, Code of Alabama 1975, which relates to the revocation of the Medicaid eligibility of certain recipients, so as to institute procedure whereby a pregnant woman who has been suspended from the Medicaid program for abuse, fraud or misuse can have her suspended status changed to restricted status so that pregnancy related services only can be received for her unborn child.

Also:

S. 286. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER CALENDAR

The House then proceeded to the consideration of the Special Order.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Beers, Budget Isolation Resolution relating to H. B. 257 was adopted.

Yeas 56; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Breedlove, Brooks, Bryant, Carothers, Clay, Curry, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, Moon, Newman, Newton (C), Parker, Payne, Petelos,

Poole, Richardson, Sanderford, Seibels, Slaughter, Starkey, Thomas, Walker, Warren, White (G), White (L), Willis, Wright and Zoghby.

—56

Nays: Reps. Fuller, McClain, Newton (D), Rogers and Spratt.

—5

And the bill:

H. 257. (With Amendments): To provide immunity from civil liability for persons performing building inspection services for municipalities in the State of Alabama.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill H. 257, in the Title, Page 1, Line 16, after the word "provide" by adding the following word: limited

Also amend House Bill 257, Page 1, Line 24, after the word "imposed" by inserting the following:

, unless such act amounts to willful or wanton misconduct, or fraud, or gross negligence.

And the amendment #1 was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Brooks, Curry, Dillard, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Hall, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, Mikell, Moon, Newman, Newton (D), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Warren, White (G), White (L), Willis, Wright and Zoghby.

—54

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 257, in the Synopsis, Page 1, Line 10, after the word "municipalities" by adding the following: and counties

Also amend House Bill 257, Page 1, Line 17, after the word "municipalities" by adding the words: and counties

Further amend House Bill 257, Page 1, Section 1, Line 22, after the word: "municipality" by adding the words: or county

And the amendment #2 was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Breedlove, Brooks, Bryant, Carothers, Clay, Colvin, Curry, Dillard, Escott, Ford, Frazier, Freeman,

Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Warren, White (F), White (G), White (L), Willis and Wright.

—63

And the bill:

H. 257. To provide limited immunity from civil liability for persons performing building inspection services for municipalities and counties in the State of Alabama.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 52; Nays 9.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Breedlove, Brooks, Carothers, Clay, Curry, Dillard, Flowers, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, Mikell, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Turner, Venable, Warren, White (G), White (L), Willis, Wright and Zoghby.

—52

Nays:

Reps. Fuller, Harvey, McClain, Newton (D), Rains, Rogers, Spratt, Turnham and White (F).

—9

BUDGET ISOLATION RESOLUTION

On motion of Rep. Penry, Budget Isolation Resolution relating to H. B. 311, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Campbell, Carothers, Clay, Curry, Drake, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels,

Slaughter, Spratt, Starkey, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—72

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

by a majority of the whole number elected to the Senate, said vote being: Yeas 9, Nays 6, Abstaining 8.

And said Bill, H. B. 177, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

H. 311 RESUMED

And the bill:

H. 311. (With Substitute): To establish the Uniform Commercial Driver License Act, setting testing and licensing standards for operators and employers of commercial vehicles; to prescribe that certain minimum information be included on commercial driver licenses; to define groups of commercial vehicles; to provide for the cost of licenses, restrictions and endorsements for each such group; to exclude certain vehicles for personal or recreational purposes and certain testing for certain persons with certain skills and experience and to grandfather in certain persons; to prescribe the qualifications for applications and the manner of testing and licensing; to provide that no person shall be eligible to hold more than one driver license; to prescribe certain notification processes; to require employers to obtain and determine certain information about applicants and drivers; to provide for the issuance of permits; to authorize the director and department to issue, promulgate and enforce certain guidelines, conditions, standards, rules and regulations, pursuant to the provisions of this act and federal regulations; prescribing lifetime and temporary revocations and suspensions of license for certain felony violations involving controlled substances and driving while under the influence with certain blood concentrations; to authorize the director and the department of public safety to enter into certain contracts or agreements to implement the provisions of this act and reciprocity with other states, provinces and territories, and to provide the conditions therefor;

to provide for the full faith and credit of out-of-state convictions; to prescribe certain criminal penalties and punishment for certain violations, upon conviction, and to make such penalties and punishment cumulative to any and all other such provisions; and to specifically repeal laws conflicting with this act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish the Uniform Commercial Driver License Act, setting testing and licensing standards for operators and employers of commercial vehicles; to prescribe that certain minimum information be included on commercial driver licenses; to define groups of commercial vehicles; to provide for the cost of licenses, restrictions and endorsements for each such group; to exclude certain vehicles for personal or recreational purposes and certain testing for certain persons with certain skills and experience and to grandfather in certain persons; to prescribe the qualifications for applications and the manner of testing and licensing; to provide that no person shall be eligible to hold more than one driver license; to prescribe certain notification processes; to require employers to obtain and determine certain information about applicants and drivers; to provide for the issuance of permits; to authorize the director and department to issue, promulgate and enforce certain guidelines, conditions, standards, rules and regulations, pursuant to the provisions of this act and federal regulations; prescribing lifetime and temporary revocations and suspensions of license for certain felony violations involving controlled substances and driving while under the influence with certain blood concentrations; to authorize the director and the department of public safety to enter into certain contracts or agreements to implement the provisions of this act and reciprocity with other states, provinces and territories, and to provide the conditions therefor; to provide for the full faith and credit of out-of-state convictions; to prescribe certain criminal penalties and punishment for certain violations, upon conviction, and to make such penalties and punishment cumulative to any and all other such provisions; and to specifically repeal laws conflicting with this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the Alabama Uniform Commercial Driver License Act.

Section 2. The purpose of this act is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law 99-570) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

- (a) Permitting commercial drivers to hold only one license;
- (b) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses;
- (c) Strengthening commercial driver licensing and testing standards.

This act is a remedial law which should be liberally construed to promote the public health, safety and welfare. To the extent that this act conflicts

with general driver licensing provisions, this act prevails. Where this act is silent, the general driver licensing provisions apply.

Section 3. Notwithstanding any other provision of this act, the following definitions shall be applicable unless the context clearly indicates otherwise:

(a) Alcohol. "Alcohol" means:

(1) Beer, ale, port or stout and other similar fermented beverages (including sake or similar products), of any name or description containing one-half of one percentum or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor;

(2) Wine of not less than one-half of the percentum of alcohol by volume; or

(3) Any substance containing any form of alcohol, including but not limited to, ethanol, methanol, propanol and isopropanol.

(b) Alcohol Concentration. "Alcohol Concentration" means:

(1) The number of grams of alcohol per 100 milliliters of blood; or

(2) The number of grams of alcohol per 210 liters of breath; or

(3) The number of grams of alcohol per 67 milliliters of urine.

(c) Commercial Driver License. "Commercial Driver License: (CDL) means a license issued in accordance with the requirements of this act to an individual which authorizes the individual to drive a class of commercial motor vehicle.

(d) Commercial Driver License Information System. The "Commercial Driver License Information System" (CDLIS) is the information system established pursuant to the CMVSA to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(e) Commercial Motor Vehicle. "Commercial Motor Vehicle" means a motor vehicle designed or used to transport passengers or property:

(1) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating as determined by federal regulation;

(2) If the vehicle is designed to transport 16 or more passengers, including the driver; or

(3) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with federal or state law.

(f) Controlled Substance. "Controlled Substance" means any substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed on Schedules I through V, of 21 CFR Part 1308, as they may be revised from time to time.

(g) Conviction. "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, or a plea nolo contendere accepted by the

court, regardless of whether or not the penalty is rebated, suspended or probated.

(h) Department. "Department" means the department of public safety.

(i) Director. "Director" means the director of the department of public safety.

(j) Disqualification. "Disqualification" means a withdrawal of the privilege to drive a commercial motor vehicle, pursuant to Section 32-5A-195, Code of Alabama 1975, as amended, and this act.

(k) Drive. "Drive" means to drive, operate or be in physical control of a motor vehicle.

(l) Driver, "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a commercial driver license.

(m) Driver License. "Driver License" means a license issued by a state to an individual which authorizes the individual to drive a motor vehicle.

(n) Employer. "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(o) Felony. "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year.

(p) Foreign Jurisdiction. "Foreign Jurisdiction" means any jurisdiction other than a state, territory, province or possession of the United States.

(q) Gross Vehicle Weight Rating. "Gross Vehicle Weight Rating" (GVWR) means the value specified by the manufacturer(s) as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The GVWR of a combination (articulated) vehicle (commonly referred to as the "Gross Combination Weight Rating" or GCWR), is the GVWR of the power unit plus the GVWR of the towed unit or units.

(r) Hazardous Materials. "Hazardous Materials" has the meaning as that found in Section 103 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.), and as provided by any federal or state law, existing or hereafter enacted.

(s) Motor Vehicle. "Motor Vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

(t) Out of Service Order. "Out of Service Order" means a temporary prohibition against driving a commercial motor vehicle.

(u) Serious Traffic Violation. "Serious Traffic Violation" means a conviction when operating a commercial motor vehicle of:

(1) Excessive speeding, involving a single charge of any speed 15 miles per hour or more, above the posted speed limit;

(2) Reckless driving, as defined under Section 32-5A-190, Code of Alabama 1975, as amended or any other state or local law, including charges

of driving a commercial motor vehicle in willful or wanton or reckless disregard for the safety of persons or property, improper or erratic traffic lane changes, or following the vehicle ahead too closely;

(3) A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident; and

(4) Any other violation of Title 32, chapter 5A, article 9, Code of Alabama 1975, as amended, or any state or local law relating to motor vehicle traffic control, other than a parking violation, which the director of the department of public safety determines by regulation to be serious.

(v) State. "State" means a state of the United States and the District of Columbia;

(w) United States. "United States" means the fifty states and the District of Columbia, or a territory, province or possession thereof.

Section 4. Limitation on Number of Driver Licenses. No person who drives a commercial motor vehicle may have more than one driver license.

Section 5. Notification required by driver shall be as follows:

(a) Notification of convictions:

(1) To state. Any driver holding a commercial driver license issued by this state, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control, in any other state or federal, provincial, territorial or municipal laws of Canada, other than parking violations, must notify the department of public safety in the manner specified by the department within thirty days of the date of conviction.

(2) To employers. Any driver holding a commercial driver license issued by this state, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state, or federal, provincial, territorial or municipal laws of Canada, other than parking violations, must notify his or her employer in writing of the conviction within thirty days of the date of conviction.

(b) Any driver whose commercial driver license is suspended, revoked, or cancelled by any state, or federal, provincial, territorial or municipal laws of Canada, or who loses the privilege to drive a commercial motor vehicle in any such state for any period, including being disqualified from driving a commercial motor vehicle, or who is subject to an out of service order, must notify his or her employer of that fact before the end of the business day following the day the driver received notice of that fact.

(c) Any person who applies to be a commercial motor vehicle driver must provide the employer, at the time of the application, with the following information for the ten years preceding the date of application:

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(2) The dates between which the applicant drove for each employer; and

(3) The reason for leaving that employer. The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

Section 6. (a) Each employer must require the applicant to provide the information specified in Section 5(c).

(b) No employer may knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period:

(1) In which the driver has had his or her commercial driver license suspended, revoked, or cancelled by any state, is currently disqualified from driving a commercial vehicle, or subject to an out of service order in any state; or in which the driver has more than one driver license.

Section 7. (a) Except when driving with a valid automobile license and accompanied by the holder of a commercial driver license valid for the vehicle being driven, no person may drive a commercial motor vehicle on the highways of this state unless the person holds, and is in immediate possession of, a commercial driver license with applicable endorsements valid for the vehicle he or she is driving.

Active duty military or National Guard personnel operating government vehicles, farmers operating certain commercial motor vehicles, fire fighters and operators of emergency equipment from licensing provisions of the CMVSA are exempt from this act as detailed in FHWA's "Notice of Final Disposition" published in the Federal Register, September 26, 1988, 53 FR 37313, and as hereafter updated.

Commercial driver license requirements do not apply to drivers of vehicles used for personal use such as recreational vehicles which would otherwise meet the definition of a commercial motor vehicle.

(b) No person may drive a commercial motor vehicle on the highways of this state while his or her driving privilege is suspended, revoked, or cancelled, while subject to a disqualification, or in violation of an out of service order.

Section 8. Commercial driver license qualification standards shall be as follows:

(a) Testing.

(1) General—No person may be issued a commercial driver license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. part 383, subparts G and H, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests must be prescribed and conducted by the department.

(2) Third party testing—The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency or instrumentality of local government to administer the skills test specified by this section, provided:

(i) the test is the same which would otherwise be administered by the state;

(ii) the third party has entered into an agreement with this state which complies with requirements of 49 C.F.R., part 383.75; and

(b) Waiver of skills test—The department may waive the skills test specified in this section for a commercial driver license applicant who meets the requirements of 49 C.F.R. part 383.77.

(c) Limitations on issuance of license—A commercial driver license, may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver license is suspended, revoked or cancelled in any state or foreign jurisdiction with reciprocity; nor may a commercial driver license be issued to a person who has a commercial driver license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state(s) for cancellation.

(d) The holder of a valid Class D driver license may drive a commercial motor vehicle only when accompanied by the holder of a commercial driver license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial vehicle.

Section 9. Application for commercial driver license shall be processed as follows:

(a) The application for a commercial driver license or commercial driver instruction permit, must include the following:

(1) The full name and current mailing (and residential, if different) address of the person;

(2) A physical description of the person including sex, height, weight, eye and hair color;

(3) Date of birth;

(4) The applicant's social security number;

(5) The person's signature;

(6) The person's color photograph;

(7) Certifications including those required by 49 C.F.R. part 383.71 (a).

(8) Any other information required by the department; and

(9) A signed consent to release driving record information.

The application must be accompanied by an application fee of \$5.00.

(b) When the holder of a commercial driver license changes his or her name, mailing address, or residence, an application for a duplicate license must be made as provided by law.

(c) No person who has been a resident of this state for 30 days may drive a commercial motor vehicle under the authority of a commercial driver license issued by another jurisdiction.

(d) Any person who knowingly falsifies information or certifications required under subsection (a) of this section is subject to suspension, revocation, or cancellation of his or her commercial driver license for a period of at least 60 consecutive days.

Section 10. (a) The commercial driver license must be marked "Commercial Driver License" or "CDL," and must be, to the maximum extent practicable, tamper proof. It must include, but not be limited to, the following information:

(1) The name and residential address of the person;

- (2) The person's color photograph;
- (3) A physical description of the person including sex, height, weight, eye and hair color;
- (4) Date of birth; and
- (5) The person's social security number and any other number or identifier deemed appropriate by the department;
- (6) The person's signature;
- (7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
- (8) The name of this state; and
- (9) The dates between which the license is valid.

(b) Commercial driver licenses may be issued with the following classifications, endorsements, and restrictions; the holder of a valid commercial driver license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles including (Class D), except motorcycles (Class M). Vehicles which require an endorsement may not be driven unless the proper endorsement appears on the license.

- (1) Commercial driver licenses shall be classified as follows:

Class A—Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more, provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

Class B—Any single vehicle with a GVWR of 26,001 pounds or more, and any such vehicle towing a vehicle not in excess of 10,000 pounds.

Class C—Any single vehicle with a GVWR of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds comprising:

(i) Vehicles designed to transport 16 or more passengers, including the driver; and

(ii) Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under 49 C.F.R., part 172, subpart F.

- (2) Endorsements and restrictions shall be coded as follows:

"H"—Authorizes the driver to drive a vehicle transporting hazardous materials.

"K"—Restricts the driver to vehicles not equipped with airbrakes.

"T"—Authorizes driving double and triple trailers.

"P"—Authorizes driving vehicles carrying passengers.

"N"—Authorizes driving tank vehicles.

"X"—Represents a combination of hazardous materials and tank vehicle endorsements.

(c) Before issuing a commercial driver license, the department must obtain driving record information through the Commercial Driver License

Information System, the National Driver Register and from each state in which the person has been licensed.

(d) Within ten days after issuing a commercial driver license, the department must notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.

(e) A commercial driver license issued pursuant to this act expires as set by existing state law.

(f) Renewal procedures for commercial driver licenses shall be as follows: every person applying for renewal of a commercial driver license must complete the application form required by Section 10 (a), providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed.

Section 11. (a) Any person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

(1) Driving a commercial motor vehicle under the influence of alcohol, or a controlled substance or any other drug which renders a person incapable of safely driving;

(2) Driving a commercial motor vehicle while the alcohol concentration of the person's blood, urine, or breath is 0.04 or more;

(3) Knowingly and willfully leaving the scene of an accident involving a commercial motor vehicle driven by the person;

(4) Using a commercial motor vehicle in the commission of any felony as defined in this act; and

(5) Refusal to submit to a test to determine the driver's alcohol concentration while driving a commercial motor vehicle.

If any of the above violations occurred while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three years.

(b) A person is disqualified for life if convicted of two or more violations of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from two or more separate incidents.

(c) The department may issue regulations and promulgate establishing guidelines, including conditions, under which a disqualification for life under paragraph (b) may be reduced to a period of not less than ten years.

(d) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

(f) After suspending, revoking, or canceling a commercial driver license, the department must update its records to reflect that action within ten days. After suspending, revoking or canceling a nonresident commercial driver's privilege, the department must notify the licensing authority of the state which issued the commercial driver license or commercial driver instruction permit within ten days.

Any failure to report or disclose required information, either before or after issuance of a commercial driver license shall be a Class C felony and shall, upon conviction thereof, be punished as provided by law.

Section 12. (a) Notwithstanding any other provision of this act, or of existing law, a person may not drive, operate, or be in physical control of a commercial motor vehicle within this state while having any measurable or detectable amount of alcohol in his or her system.

(b) A person who drives operates, or is in physical control of a commercial motor vehicle within this state while having any measurable or detectable amount of alcohol in his or her system or who refuses to submit to an alcohol test under Section 13 of this act, must be placed out of service for 24 hours.

(c) Any person who drives a commercial motor vehicle within this state with an alcohol concentration of 0.04 or more must, in addition to any other sanctions which may be imposed under this act, or under federal or state law, or rules or regulations of the department, be disqualified from driving a commercial motor vehicle under Section 11 of this act.

Section 13. (a) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to provisions of Section 32-5-192 of the Code of Alabama 1975, as amended, to take a test or tests of that person's blood, breath, or urine for the propose of determining that person's alcohol concentration, or the presence of other drugs.

(b) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol or drugs in his or her system.

(c) A person requested to submit to a test as provided in subsection (a) above must be warned by the law enforcement officer requesting the test, that a refusal to submit to the test will result in that person being immediately placed out of service for a period of 24 hours and being disqualified from operating a commercial motor vehicle for a period of not less than one year under Section 12 of this act.

(d) If the person refuses testing, or submits to a test which discloses an alcohol concentration of 0.04 or more, the law enforcement officer must submit a sworn report to the department certifying that the test was requested pursuant to subsection (a) and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of 0.04 or more.

(e) Upon receipt of the sworn report of a law enforcement officer submitted under subsection (d), the department must disqualify the driver from driving a commercial motor vehicle under Section 12 of this act.

Section 14. Within ten days after receiving a report of the conviction of any nonresident holder of a commercial driver license for any violation

of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the department must notify the driver licensing authority in the licensing state of the conviction.

Section 15. Notwithstanding any other provision of law to the contrary, the department must furnish full information regarding the driving record of any person:

(a) To the driver license administrator of any other state, or province or territory of Canada, requesting that information;

(b) To any employer or prospective employer upon request and payment of a fee of \$5.75; and

(c) To insurers upon request and payment of a fee of \$5.75.

Section 16. Rulemaking authority. The director and the department of public safety may adopt any reasonable rules and regulations necessary to carry out the provisions of this act, and may promulgate and enforce such rules and regulations in accordance with the guidelines of the department of transportation.

Section 17. Authority to enter into agreements. The department may enter into or make agreements, arrangements or declarations to carry out the provisions of this act.

Section 18. Reciprocity. (a) Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle in this state if the person has a valid commercial driver license or commercial driver license instruction permit issued by any state or provinces or territories of Canada in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses, if the license is not suspended, revoked or canceled; and if the person is not disqualified from driving a commercial motor vehicle, or subject to an out of service order.

(b) The department must give all out of state convictions full faith and credit and treat them for sanctioning purposes under this act as if they occurred in this state.

Section 19. For the purpose of defraying the cost of issuing commercial drivers' license, the probate judge or license commissioner shall collect for each Class A commercial driver license the sum of \$45.00; the sum of \$35.00 for each Class B commercial driver license; the sum of \$25.00 for each Class C commercial driver license. These licenses shall be issued for a period of four years.

Section 20. Only offenses committed sixty (60) days after the effective date of this act, and thereafter, shall be affected by the provisions of this act.

Section 21. All sanctions, penalties, punishment and fines, whether civil or criminal, are cumulative and shall be levied in addition to any and all other laws now provided relating to commercial motor vehicle licensure requirements, except to the extent such laws or sanctions, penalties, punishment and fines are in direct conflict with the provisions of this act, in which event this act shall supersede.

Section 22. Any person who violates the provisions of Section 4 of this act, shall, be guilty of a Class B misdemeanor and, upon conviction thereof, shall be sentenced or fined, or both, as provided by law.

Section 23. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. This act shall become effective October 1, 1990, except as otherwise herein provided.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Campbell, Carothers, Clay, Colvin, Crow, Curry, Dillard, Frazier, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—67

And the bill, H. 311 as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Britnell, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clay, Colvin, Crow, Curry, Dillard, Frazier, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—69

Nays: Reps. Brooks, Burke, Ford, Freeman, Hall, Harvey and Payne.

—7

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 141.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW), Budget Isolation Resolution relating to S. B. 141 was adopted.

Yeas 55; Nays 3.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carothers, Clay, Colvin, Crow,

Dillard, Ford, Freeman, Fuller, Goodwin, Gray, Hall, Hamilton, Harper, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Marks, Mathis, McClain, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Richardson, Sanderford, Seibels, Spratt, Venable, Walker, White (F), White (G), White (L), Willis, Wright and Zoghby.

—55

Nays: Reps. Frazier, Payne and Poole.

—3

And the bill:

S. 141. To amend Section 8-8-14, Code of Alabama 1975, which provides for an interest surcharge on loans and credit sales, so as to provide further for said interest and surcharges.

Was read a third time at length and passed.

Yeas 57; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Ford, Freeman, Gaston, Grayson, Hall, Hamilton, Hammett, Harper, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Richardson, Sanderford, Slaughter, Spratt, Venable, White (G), White (L), Willis, Wright and Zoghby.

—57

Nays:

Reps. Blake, Frazier, Goodwin, Laird, Payne, Poole, Seibels and Warren.

—8

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Zoghby, the Budget Isolation Resolution and the bill, H. 358, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

by a majority of the whole number elected to the Senate, said vote being: Yeas 20, Nays 2, Abstaining 1.

And said Bill, H. B. 217, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

RECESS

On motion of Rep. Campbell, the House recessed until 1:15 o'clock p.m.

HOUSE RECONVENED

The hour of 1:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Slaughter, Budget Isolation Resolution relating to H. B. 752, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Carothers, Clay, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Newton (D), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Venable, Walker, White (F), White (G), White (L), Williams, Wright and Zoghby.

—59

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1989-90, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 914. Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county and providing for retroactive effect.

Also:

H. 852. Relating to the City of Marion in Perry County; authorizing the Marion City governing body to levy an additional ad valorem tax to be used for purposes for which general funds may be used and providing for a referendum on such taxes.

Also:

H. 795. Relating to Houston County; amending the title, section 2 and section 7 of Act No. 88-386, H. 768, 1988 Regular Session, relating to certain levies, collection and distribution of certain tobacco taxes, so as to eliminate the provisions relating to an advisory referendum and providing for the net revenues to be paid into the county general fund.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 150. To propose an amendment to the Constitution of Alabama of 1901 to authorize the operation of bingo games in Etowah County.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 177. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county and the voters within the corporate limits of any municipality in the county, on the question of whether the act will become effective.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 856. Relating to the City of Gadsden in Etowah County; authorizing the governing body to levy an additional ad valorem tax to be used for capital outlay purposes for the school system; and providing for a referendum for approval of the tax by the qualified electors of the city; and providing for certain exemptions.

TOMMY CARTER,
Chairman.

And the bill, H. 856 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 257. To provide limited immunity from civil liability for persons performing building inspection services for municipalities and counties in the State of Alabama.

TOMMY CARTER,
Chairman.

And the bill, H. 257 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 1059. Relating to Mobile County and the practice of barbering; amending Sections 8 and 14 of Act No. 678, H. 1364 of the 1961 Regular Session entitled "An Act Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census," (1961 Acts, p. 940), relating to renewal of licenses and fees charged and collected by the Board of Barber Commissioners so as to provide further for requirements for license renewals and fees to be charged and collected by the said board.

TOMMY CARTER,
Chairman.

And the bill, H. 1059 as engrossed, was ordered sent to the Senate.

H. 752 RESUMED

And the bill:

H. 752. (With Amendment): To provide for suspending the driving privilege of those persons driving with an excessive concentration of alcohol in their bodies; to provide an opportunity for administrative review prior to the effective date of the suspension, and for an opportunity for a full hearing after the suspension becomes effective; and to provide for administrative and judicial review.

Was taken up.

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The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 752, Page 2, Section 2, Line 34, after the word "enforcement" by adding the following word:

officer

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Clay, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Higginbotham, Hill, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McMillan, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (F), White (L), Wright and Zoghby.

—53

And the bill, H. 752 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Clark (W), Clay, Curry, Dillard, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—61

Nay: Rep. Rains.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 9.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW), Budget Isolation Resolution relating to S. B. 9 was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Gray,

Grayson, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McKee, Melton, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Venable, White (F), White (G), Willis and Wright.

—66

And the bill:

S. 9. To establish an asbestos contractor accreditation plan for Alabama in compliance with Title II, Section 206 of the Toxic Substances Control Act of the United States (15 U.S.C.A. §2646); to designate the Safe-State Program, a division of the University of Alabama, as the state agency to administer the plan; to provide the agency certain powers and authority; and to require certain notification and documentation of accreditation of asbestos contractors to the Alabama Department of Environmental Management.

Was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, White (F), White (G), Willis and Zoghby.

—71

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 307. COMMENDING THE GERALDINE HOMEMAKER CLUB FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H. J. R. 311. DECLARING "CAMP SMILE WEEK", JUNE 26-30, 1989.

Also:

H. J. R. 313. COMMENDING JUANITA J. VANN ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 314. COMMENDING EUNICE HORTON ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 315. COMMENDING BRENDA DeRAMUS-COLEMAN ON HER NOMINATION AS CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Walker, the Budget Isolation Resolution and the bill, H. 31, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 304. COMMENDING THE ALABAMA ASSOCIATION OF RESCUE SQUADS AND THE ASSOCIATION'S MEMBER UNITS.

Also:

H. J. R. 350. COMMENDING GEORGE E. DIXON FOR OUTSTANDING SERVICE TO LOCAL UNION 505, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS.

Also:

H. J. R. 355. COMMENDING WILLIE MAE BUTLER OF HUNTSVILLE, ALABAMA, ON HER OUTSTANDING ACHIEVEMENTS.

Also:

H. J. R. 357. CONGRATULATING THE ERWIN HIGH SCHOOL FOOTBALL TEAM AS THE AREA 10 CHAMPIONS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 299. CONGRATULATING GORDON G. SMITH, III, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 300. CONGRATULATING LUIS M. WILLIAMS, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 301. COMMENDING MR. THOMAS S. DAMSON OF MOBILE, ALABAMA.

Also:

H. J. R. 302. COMMENDING THE WILLIAMSON HIGH SCHOOL GIRLS BASKETBALL TEAM AS OUR 1989 STATE 5A GIRLS CHAMPIONS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 295. CONGRATULATING JOHN P. MACNAMARA, III, PH.D., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 296. CONGRATULATING JOHN N. HECKER, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 297. CONGRATULATING J. BRADLEY DONAGHEY, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 298. CONGRATULATING ROBERT B. BARNETT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 287. MOURNING THE DEATH OF MR. ELI CAMPBELL OF CHOCTAW COUNTY, ALABAMA.

Also:

H. J. R. 288. CONGRATULATING ALABAMA'S 1989 JUNIOR MISS, KIMBERLY MARIE WIMMER OF MOBILE.

Also:

H. J. R. 293. COMMENDING ANGELINE WHEAT OF SELMA, ALABAMA, FOR DEDICATED AND HONORABLE SERVICE TO THE STATE OF ALABAMA.

Also:

H. J. R. 294. COMMENDING JIM AGNEW FOR DISTINGUISHED SERVICE TO THE HUNTSVILLE-MADISON COUNTY COMMUNITY AND DESIGNATING HIM AS "MR. AMBULANCE."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 604. To provide that the local governing bodies in Lowndes County and the Lowndes County governing body shall have certain mandatory authority and participation in solid waste collection and disposal programs; to provide for the authority of said local governing bodies to adopt by resolutions and ordinances reasonable rules and regulations relating to such participation; to provide for certain public nuisance violations and fines; to provide for certain assessments and procedures, all relating to solid waste collection and disposal facilities; to provide for fees and assessments, and fines for violations; to provide for hearings of aggrieved parties and fines.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 61. To establish an Alabama Uniform Fraudulent Transfer Act; to provide definitions; to provide for debtor insolvency; to clarify the meaning of value; to provide for determination as to transfers fraudulent as to present and future creditors; to provide for determination as to when the transfer is made; to provide remedies of creditors, provisions for defenses, liability and protection of the transferee; and how a claim for relief is extinguished; to provide for application of the act; to repeal Alabama Code sections 8-9-6, 8-9-7, and 8-9-9 (1975) as amended relating to fraudulent conveyances and assignments of property to defraud creditors; and to provide that the Act shall become effective January 1, 1990.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in an adopted the House amendment to the following Senate Bill:

S. 147. To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate had concurred in and adopted the House amendment to the following Senate Bill:

S. 142. Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution relating to H. B. 357, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Drake, Escott, Freeman, Goodwin, Gray, Grayson, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Logan, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, White (F), White (G), White (L), Willis, Wright and Zoghby.

—69

S. 267 SUBSTITUTED FOR H. 357

On motion of Rep. Seibels, the bill, S. 267 was substituted for the bill, H. 357.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Seibels, Budget Isolation Resolution relating to S. B. 267, was adopted.

Yeas 76; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler,

Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Logan, Marietta, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—76

Nays: Reps. Marks and Parker.

—2

And the bill:

S. 267. To authorize the governing body of any municipality, or any municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges; and to provide that the provisions of this act are cumulative.

Was read a third time at length and passed.

Yeas 81; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—81

Nays: Reps. Marks and Parker.

—2

H. 357 INDEFINITELY POSTPONED

On motion of Rep. Seibels, the bill:

H. 357. To authorize the governing body of any municipality, or any municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges; and to provide that the provisions of this act are cumulative.

Was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 805. To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 805, said Senate amendment being as follows:

Amend H. B. 805, page 3, beginning on line 9, by striking Section 6 in its entirety and substituting in lieu thereof the following:

"Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law and shall apply to the expenditures of funds appropriated for the Governor's Contingency Fund for the fiscal year 1988-89 contained in Act 88-953."

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Drake, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (F), White (G), White (L), Willis, Wright and Zoghby.

—85

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has reconsidered the Bill:

H. 72. Relating to the City of Livingston in Sumter County; authorizing the City of Livingston as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the City and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

And said Bill, H. B. 72, was again read at length and passed the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, H. B. 72, together with the Governor's Message, is herewith returned to the House.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution relating to H. B. 333, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow,

Curry, Dillard, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Turner, Venable, White (F), White (G), White (L), Willis and Zoghby.

—65

And the bill:

H. 333. To amend Section 36-30-2 of the Code of Alabama 1975, as amended, so as to increase the amount of the death benefit paid to survivors of peace officers and firemen killed on duty.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—82

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322) providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

by a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, H. B. 546, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has reconsidered the Bill:

H. 400. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive

vehicles provided for by section 40-23-101, Code of Alabama 1975; specifying the rates at which such tax shall be levied; providing for the ascertainment collection, payment, distribution and use of the said tax; providing for enforcement of this act; specifically repealing Act No. 88-939, S. 216, 1988 First Special Session (Acts 1988, p. 553) and providing for the refund of certain taxes collected pursuant to such act; and providing that the provisions of this act shall be retroactive to October 1, 1988.

And said Bill, H. B. 400, was again read at length and passed the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, H. B. 400, together with the Governor's Message, is herewith returned to the House.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Petelos, Budget Isolation Resolution relating to H. B. 631, was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, Walker, White (F), White (G), White (L), Willis and Wright.

—76

And the bill:

H. 631. (With Amendment): To amend Sections 15-23-3, 15-23-5, 15-23-12, 15-23-14, and 15-23-15, Code of Alabama 1975, relating to the Alabama Crime Victims Compensation Commission, so as to increase the amount of burial expenses paid to the victim; to authorize work loss of claimant; to broaden the definition of the economic loss of a dependant; to extend the one year deadline for filing in certain cases; to authorize the Executive Director to pass on certain applications for compensation; to exempt the Commission from payment of cost of litigation under its right of subrogation, and to increase the maximum compensation award.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 631, Page 4, Line 8, after the word "if" by striking the following: ~~such person~~

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Curry, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Wright.

—74

And the bill, H. 631 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—78

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Buskey (JL) would have voted "Yea" on the bill, H. 805, had he been in the Chamber at the time of voting.

H. 876 TAKEN UP

And the bill:

H. 876. (With Amendments): To amend Sections 16-49-20, 16-49-26, 16-49-27 and 16-49-28 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University board of trustees so as to change the qualifications of a candidate for trustee; to redefine the time, frequency and manner of convening; to reduce the number required for a quorum; and to provide for payment of expenses to ex officio members.

Which was carried over on the twenty-third legislative day was taken up.

The question was then on the adoption of the substitute offered by Rep. Grayson to the bill, H. 876, and to the pending substitute and amendments, and the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Crow, Dillard, Drake, Escott, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—76

AMENDMENT OFFERED

Rep. Melton offered the following amendment to the bill, H. 876 as amended:

Amend the Sub to the Sub to H. B. 876, page 2, line 16 after the word "University" by striking the following language: All other members shall have not less than a Bachelors Degree.

Further amend on page 2, line 31 after the words "board or" by striking the word employees and adding in lieu thereof officer

Further amend on page 2, line 34 after the word official, by striking the following language: and no employee of the State of Alabama.

Further on page 3, at the end of line 12 by adding the following language:

"(1) Special meetings of the board may be called by the governor. In calling such special meetings the governor shall mail a written notice to each trustee naming the time and place thereof, at least 10 days in advance of the date of such meeting.

Further amend on page 4, at the end of line 3 by adding the following language: In the event of an emergency, the President Pro-Tempore is hereby authorized to call an emergency meeting.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Crow, Dillard, Drake, Frazier, Freeman, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains,

Richardson, Rogers, Sanderford, Seibels, Spratt, Starkey, Venable, White (F), White (G), White (L), Willis and Wright.

—71

And the bill, H. 876 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Crow, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Starkey, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—76

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution relating to H. B. 335, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Crow, Curry, Dillard, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marietta, Mathis, McClain, McDowell, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Slaughter, Spratt, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—66

S. 67 SUBSTITUTED FOR H. 335

On motion of Rep. Escott, the bill, S. 67, was substituted for the bill, H. 335.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Escott, Budget Isolation Resolution relating to S. B. 67, was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (W),

Clay, Crow, Curry, Dillard, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—77

And the bill:

S. 67. To amend Section 5-11A-12, Code of Alabama 1975, so as to provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution or by an affiliate of the financial institution; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Carothers, Clay, Crow, Curry, Dillard, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Starkey, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—73

H. 335 INDEFINITELY POSTPONED

On motion of Rep. Escott, the bill:

H. 335. To amend Section 5-11A-12, Code of Alabama 1975, so as to provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution or by an affiliate of the financial institution; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution relating to H. B. 114 was adopted.

Yeas 42; Nays 14.

Yeas:

Mr. Speaker, Black, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Carothers, Clark (W), Clay, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Marietta, Marks, Mathis, McClain, McMillan, Newman, Newton (D), Penry, Perdue, Petelos, Rains, Richardson, Rogers, Sanderford, Starkey, Willis, Wright and Zoghby.

—42

Nays:

Reps. Beers, Burke, Curry, Gray, Hall, Holley, Layson, McKee, Moon, Payne, Turner, White (F), White (G) and White (L).

—14

And the bill:

H. 114. To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and to authorize collection of fees to defray the expense of this program.

Was taken up.

SUBSTITUTE OFFERED

Rep. Box offered the following substitute to the bill, H. 114:

A BILL TO BE ENTITLED AN ACT

To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and collection of fees to defray the expense to this program; and to provide that no person shall be released from custody for furlough without the board of pardons and paroles first authorizing such furlough.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The board of pardons and paroles may, by whatever criteria it deems reasonable, classify certain persons under the supervision of its probation and parole officers as deserving of intensive supervision. Special conditions may be imposed on such persons, individually or as a class.

(b) The board is hereby authorized to charge each person participating in the intensive supervision program a fee for supervision costs, which shall not exceed 25% of their gross monthly income. The board shall, by regulation, establish criteria for determining the fee to be charged in each case. Such sums shall be retained by the board and placed in the probationer's upkeep fund in the state treasury to defray the expense of administering this program and is hereby appropriated therefor.

Section 2. No person shall be released from custody for furlough of any nature without the board of pardons and paroles first authorizing such furlough.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 57; Nays 6.

Yeas:

Mr. Speaker, Adams, Beers, Black, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McMillan, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Starkey, Venable, White (G), Willis, Wright and Zoghby.

—57

Nays: Reps. Burke, Gray, Hall, Moon, Richardson and White (L). —6

S. 152 SUBSTITUTED FOR H. 114

On motion of Rep. Box, the bill, S. 152, was substituted for the bill, H. 114 as amended.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution relating to S. B. 152 was adopted.

Yeas 59; Nays 12.

Yeas:

Mr. Speaker, Adams, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clark (W), Clay, Dillard, Drake, Frazier, Freeman, Fuller, Goodwin, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McMillan, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Spratt, Starkey, Venable, Warren, White (G), Willis, Wright and Zoghby.

—59

Nays:

Reps. Beers, Burke, Curry, Gray, Grayson, Hall, Holley, McKee, Moon, Payne, Seibels and White (L).

—12

And the bill:

S. 152. (With Substitute): To authorize the board of pardons and paroles

to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and collection of fees to defray the expense of this program; and to provide that no person shall be released from custody for furlough without the board of pardons and paroles first authorizing such furlough.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and collection of fees to defray the expense of this program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The board of pardons and paroles may, by whatever criteria it deems reasonable, classify certain persons under the supervision of its probation and parole officers as deserving of intensive supervision. Special conditions may be imposed on such persons, individually or as a class.

(b) The board is hereby authorized to charge each person participating in the intensive supervision program a fee for supervision costs, which shall not exceed 25% of their gross monthly income. The board shall, by regulation, establish criteria for determining the fee to be charged in each case. Such sums shall be retained by the board and placed in the probationer's upkeep fund in the state treasury to defray the expense of administering this program and is hereby appropriated therefor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 49; Nays 18.

Yeas:

Mr. Speaker, Adams, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Clay, Dillard, Ford, Frazier, Freeman, Fuller, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Hill, Holmes, Johnson (RG), Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McMillan, Newman, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Rogers, Sanderford, Spratt, Starkey, Venable, Willis and Wright.

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Nays:

Reps. Beers, Burke, Curry, Drake, Gaston, Gray, Grayson, Hall, Hogan, Holley, McKee, Moon, Payne, Richardson, Seibels, Turner, White (G) and White (L).

—18

And the bill, S. 152 as thus amended, was read a third time at length and passed.

Yeas 44; Nays 29.

Yeas:

Mr. Speaker, Adams, Box, Breedlove, Britnell, Bryant, Buskey (JL), Carothers, Clark (W), Clay, Colvin, Dillard, Ford, Frazier, Freeman, Fuller, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Holmes, Laird, Logan, Marks, Mathis, McClain, McMillan, Mikell, Newman, Newton (C), Newton (D), Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Spratt, Starkey, Venable, Willis and Wright.

—44

Nays:

Reps. Beers, Brooks, Burke, Butler, Curry, Drake, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hogan, Holley, Johnson (RG), Johnson (RW), Kvalheim, Layson, McKee, Moon, Parker, Payne, Poole, Richardson, Seibels, Turner, White (G), White (L) and Zoghby.

—29

H. 114 INDEFINITELY POSTPONED

On motion of Rep. Box, the bill, H. 114, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Penry, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 17.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Penry, Budget Isolation Resolution relating to S. B. 17 was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Homes, Johnson (RG), Johnson (RW), Kennedy, Knight, Layson, Logan, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—70

And the bill:

S. 17. To amend Section 37-6-21, Code of Alabama 1975, to permit the board of trustees of a rural electric cooperative to mortgage or encumber

the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby

—78

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Hill, Budget Isolation Resolution relating to H. B. 455, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Clay, Crow, Curry, Dillard, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—63

S. 74 SUBSTITUTED FOR H. 455

On motion of Rep. Hill, the bill, S. 74, was substituted for the bill, H. 455.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Wright, Budget Isolation Resolution relating to S. B. 74 was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Colvin, Crow,

Curry, Dillard, Drake, Fuller, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, McClain, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—68

And the bill:

S. 74. Relating to credit card crimes by adding a new Section 13A-9-14.1 to Title 13, Chapter 9, Code of Alabama 1975, so as to provide for definitions; to prohibit a person who is paid by a credit card for furnishing money, goods, or services or anything else of value, from defrauding the issuer, the acquirer or cardholder, as defined in this Act, through false credit card transactions; to specify a violation of this Act as a Class B felony; to provide for the severability of the provisions of this Act; and to provide for an effective date.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—77

H. 455 INDEFINITELY POSTPONED

On motion of Rep. Wright, the bill:

H. 455. Relating to credit card crimes by adding a new Section 13A-9-14.1 to Title 13, Chapter 9, Code of Alabama 1975, so as to provide for definitions; to prohibit a person who is paid by a credit card for furnishing money, goods, or services or anything else of value, from defrauding the issuer, the acquirer or cardholder, as defined in this Act, through false credit card transactions; to specify a violation of this Act as a Class B felony; to provide for the severability of the provisions of this Act; and to provide for an effective date.

Was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Spratt, Budget Isolation Resolution relating to H. B. 527 was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Clay, Colvin, Crow, Curry, Dillard, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

—75

And the bill:

H. 527. To prohibit students from carrying electronic communication devices while in school and provides for penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Clay, Colvin, Crow, Curry, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—80

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. Rogers, the Budget Isolation Resolution and the bill, H. 261, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 331. COMMENDING BENJAMIN B. GRAVES FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

Also:

H. J. R. 332. HONORING MONTGOMERY'S WOMEN OF ACHIEVEMENT.

Also:

H. J. R. 334. COMMENDING CLARKE COUNTY HIGH SCHOOL, OUR STATE 4A BASKETBALL CHAMPIONS.

Also:

H. J. R. 335. COMMENDING MRS. ANNE FORD CASE OF JACKSONVILLE, ALABAMA.

Also:

H. J. R. 362. COMMENDING PENNY MINCE OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 327. CONGRATULATING JUNE SMITH, ENTERPRISE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 328. COMMENDING ANNIE MAE SULLIVAN NOLIN OF COOK SPRINGS, ALABAMA.

Also:

H. J. R. 336. COMMENDING EMILY PUTNAM OF AUBURN, ALABAMA, "FOCUS ON ANIMALS" VIDEO CO-PRODUCER AND DEVELOPER.

Also:

H. J. R. 337. COMMENDING DAVID BISHOP, OUTSTANDING DISABLED VOLUNTEER.

Also:

H. J. R. 340. RECOGNIZING, WITH COMMENDATION, JUNE 2, 1989, AS "LETTER CARRIER DAY" IN ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 386. MOURNING THE DEATH OF EUGENE BURNIE COOKE OF MOBILE, ALABAMA

Also:

H. J. R. 436. RECOGNIZING WITH COMMENDATION THE 10th ANNIVERSARY OF THE NATIONAL ODOM ASSEMBLY.

Also:

H. J. R. 437. CONGRATULATING MICHELE KILCULLEN COODY, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 438. MOURNING THE DEATH OF WILLIAM RAYNES JONES OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 439. COMMENDING AUTHOR GENE WESTBROOK AND DESIGNATING "THE MAGNOLIA COLLECTION" AS AN OFFICIAL 1989 ALABAMA REUNION COOKBOOK.

Also:

H. J. R. 440. MOURNING THE DEATH OF CLARENCE COLEMAN HARRIS OF ALBERTVILLE, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 344. MOURNING THE DEATH OF GLADYS MOUTON COOPER OF MOBILE, ALABAMA.

Also:

H. J. R. 470. COMMENDING THE FORMATION OF THE HELEN KELLER EYE RESEARCH FOUNDATION.

Also:

H. J. R. 384. CONGRATULATING SUE FARNSWORTH, OZARK, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 385. COMMENDING LILLIS IRWIN FOR DISTINGUISHED SERVICE TO THE ALABAMA PUBLIC SCHOOLS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 306. COMMENDING BOBBY M. JUNKINS OF GADSDEN, ALABAMA, FOR OUTSTANDING SERVICE AND ACCOMPLISHMENT.

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Also:

H. J. R. 409. COMMENDING BOBBY D. JONES OF LAFAYETTE, ALABAMA, ON HIS RECENT HONOR AS CITIZEN OF THE YEAR.

Also:

H. J. R. 410. NAMING THE AUDITORIUM AT J. B. PENNINGTON HIGH SCHOOL IN BLOUNTSVILLE, ALABAMA, IN HONOR OF RUFUS BIRL BRYSON.

Also:

H. J. R. 413. MOURNING THE DEATHS OF WALTER OTIS MENDHEIM AND HETTIE M. AMAN, HOUSTON COUNTY, ALABAMA.

Also:

H. J. R. 425. CONGRATULATING REPRESENTATIVE AND MRS. RICHARD LINDSEY ON THE BIRTH OF A DAUGHTER.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 398. CONGRATULATING THE ERWIN HIGH SCHOOL BASKETBALL TEAM ON THEIR ACCOMPLISHMENT OF THE 1988-1989 SEASON.

Also:

H. J. R. 402. COMMENDING "ALABAMA."

Also:

H. J. R. 431. MOURNING THE DEATH OF SONYA DeANN HALL-MARK OF PINSON, ALABAMA.

Also:

H. J. R. 432. MOURNING THE UNTIMELY DEATH OF NATHAN WAYNE VERNON OF CENTER POINT, ALABAMA.

Also:

H. J. R. 433. MOURNING THE DEATH OF DAVID ERIC WREN OF CENTER POINT, ALABAMA.

Also:

H. J. R. 434. COMMENDING BRYAN PATRICK THARP OF CHALKVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 389. COMMENDING TREY DICKSON OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 390. COMMENDING ETCHRIDGE MEANS OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 391. COMMENDING TONI JAMES OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 392. COMMENDING ROBERT SCOTT LEWIS OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 453. COMMENDING DAMON DIXON FOR OUTSTANDING ATHLETIC AND ACADEMIC ACHIEVEMENT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 393. COMMENDING DONNA MURPH OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 394. COMMENDING HOLMES HENDRICKSON OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 395. COMMENDING AMY JOHNS OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 396. COMMENDING APRIL HARVILL OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 457. COMMENDING COACH RONNIE ARROW FOR OUTSTANDING ACCOMPLISHMENTS AS HEAD COACH OF THE UNIVERSITY OF SOUTH ALABAMA BASKETBALL TEAM.

Also:

H. J. R. 458. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA JAGUAR BASKETBALL TEAM FOR THEIR OUTSTANDING SEASON.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 546. Relating to Conecuh County; amending the title and Section 4 of Act No. 86-222, H. 771 of the 1986 Regular Session (Acts 1986, p. 322) providing for the election of the County Board of Education members by single-member districts and repealing certain conflicting acts, so as to correct an incorrect act number from Act 84-641 to Act 84-642.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 805. To create a fund in the state treasury to be known as the Governor's Contingency Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; and to provide the effective date of this act.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson, Budget Isolation Resolution relating to H. B. 479, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Clay, Colvin, Crow, Dillard, Ford, Freeman, Fuller, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Holley, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Marietta, Marks, McClain, McDowell, McKee, Moon, Newman, Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Starkey, Venable, Warren, White (G), White (L), Willis and Zoghby.

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And the bill:

H. 479. To amend Sections 24-1A-5 and 24-1A-9 of the Code of Alabama 1975, relating to the powers of Alabama Housing Finance Authority and to the limitation on issuance of certain bonds by Alabama Housing Finance Authority, so as to provide further for such powers and such limitation on issuance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Carothers, Clay, Colvin, Crow, Curry, Dillard, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (G), White (L), Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Newton (D), Budget Isolation Resolution relating to H. B. 135, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Buskey (JE), Buskey (JL), Clark (W), Clay, Colvin, Crow, Curry, Dillard, Drake, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Headley, Hill, Hogan, Holmes, Johnson (RG),

Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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And the bill:

H. 135. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, relating to search warrants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Headley, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Rep. McDowell, the Budget Isolation Resolution and the bill, H. 901, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Perdue, Budget Isolation Resolution relating to H. B. 79 was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Clark (W), Clay, Crow, Curry, Drake, Escott, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Kennedy, Knight, Laird, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—65

And the bill:

H. 79. (With Substitute) (With Amendments): To provide for the regulation of the practice of occupational therapy; to provide for a short title,

a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; and to provide for other matters relative to the foregoing.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; and to provide for other matters relative to the foregoing.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Short Title. This act shall be known and may be cited as the "Alabama State Occupational Therapy Practice Act."

Section 2. Declaration of Purpose. The Alabama State Occupational Therapy Practice Act is enacted to safeguard the public health, safety, and welfare, and to assure the availability of high quality occupational therapy services to persons in need of such services. It is the purpose of this act to provide for the regulation of persons offering themselves as occupational therapists or as occupational therapy assistants.

Section 3. Definitions. In this act, the following terms shall have the respective meanings provided in this section unless the context clearly requires a different meaning:

- (1) "Association" means the Alabama Occupational Therapy Association.

(2) "Board" means the Alabama State Board of Occupational Therapy.

(3) "License" means a valid and current certificate of registration issued by the State Examining Boards of Alabama through the Alabama State Board of Occupational Therapy.

(4) "Person" means a human person only, not a legal entity.

(5) "Occupational therapy" means the application of purposeful activity in which one engages for evaluation, treatment, and consultation related to problems interfering with functional performance in persons impaired or threatened by physical illness or injury; psychosocial dysfunction; congenital dysfunction; developmental and learning dysfunction; the aging process; environmental deprivation or anticipated dysfunction; in order to maximize independence, prevent disability and maintain health. Specific occupational therapy services include, but are not limited to, evaluation techniques such as assessment of sensory motor abilities; assessment of the development of self-care activities and capacity for independence; assessment of the capacity for work readiness and work tasks; assessment of play and leisure performance; and assessment of environmental areas for the handicapped. Specific occupational therapy treatment techniques include activities of daily living (ADL); the design, fabrication and application of splints/orthotics; sensorimotor activities and exercise; the use of specifically designed goal oriented arts and crafts; design, fabrication, selection, and use of adaptive equipment; therapeutic activities, modalities and exercises to enhance functional performance; work readiness evaluation and training and any other such techniques for which the occupational therapist is so trained; and consultation to provide for other matters relative to the foregoing. Notwithstanding any other provision of this act, no occupational therapy treatment programs to be rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide shall be initiated without the referral of a physician or dentist licensed to practice in this state who shall establish a medical diagnosis of the condition for which the individual will receive occupational therapy services. In cases of long-term or chronic disease, disability, and/or disfunction requiring continued occupational therapy services, the person receiving such occupational therapy services must be re-evaluated by a licensed physician or dentist at least annually for confirmation or modification of the medical diagnosis. Occupational therapists employed by state agencies and those employed by the public schools and colleges of this state who provide screening and rehabilitation services for the educationally related needs of the students are exempt from this referral requirement.

(6) "Occupational therapist" means a person licensed to practice occupational therapy as defined in this act, and whose license is in good standing.

(7) "Occupational therapy assistant" means a person licensed to assist in the practices of occupational therapy under the supervision of, or with the consultation of, a licensed occupational therapist, and whose license is in good standing.

(8) "Occupational therapy aide" means a person who assists in the delivery of occupational therapy, who works under direct on-site supervision of an occupational therapist and/or occupational therapy assistant and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological and social sciences involved in the practice of occupational therapy.

(9) "With the consultation of" means the collaboration of two or more persons on a regularly scheduled basis for the purpose of planning, review, or evaluation of occupational therapy services.

Section 4. License Required.

(a) No person may present himself/herself as an occupational therapist or an occupational therapy assistant in this state unless he or she is licensed in accordance with the provisions of this act. No firm, partnership, association or corporation may advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy unless an individual holding a current valid license or permit under this act is or will at the appropriate time be rendering the occupational therapy services to which reference is made.

(b) It is unlawful for any person not licensed as an occupational therapist or an occupational therapy assistant or whose license has been suspended or revoked to use in connection with his/her name or place of business the words "occupational therapist," "licensed occupational therapist," "occupational therapy assistant," "licensed occupational therapy assistant," or the letters "O.T.," "L.O.T.," "O.T.R./L.," "O.T.A.," "L.O.T.A.," "C.O.T.A./L.," thereby indicating or implying that he/she is qualified to practice in this state as a licensed occupational therapist or a licensed occupational therapy assistant. It is unlawful also for any person not licensed under this act to show in any other way, orally, in writing, in print, or by sign, directly or by implication that he/she is engaged in performing occupational therapy services.

Section 5. Persons and Practices Not Affected. Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(1) Any person licensed under any other law of the state of Alabama from engaging in the profession for which he or she is licensed; or

(2) Any person employed as an occupational therapist or an occupational therapy assistant by the government of the United States, if such a person provides occupational therapy solely under the direction or control of the organization by which he or she is employed; or

(3) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if such activities and services constitute a part of a supervised course of study, if such a person is designated by a title which clearly indicates his or her status as a student or trainee; or

(4) Any person fulfilling the supervised field work experience requirements of Section 8 (2) of this act; or

(5) Any person performing occupational therapy services within this state not licensed under this act, if such services are performed for no more than 180 consecutive calendar days if:

a. Such a person is licensed under the law of another state which has licensure requirements found by the board to be at least as stringent as the requirements of this act; or

b. Such a person maintains current certification as an occupational therapist registered or certified occupational therapy assistant with the American Occupational Therapy Certification Board.

Section 6. Alabama State Board of Occupational Therapy; Establishment; Terms of Office; Vacancies; Removal of Members; Meetings. There is hereby established the Alabama State Board of Occupational Therapy.

(1) The board shall consist of five members, four of whom will be involved in the practice of occupational therapy of which one will be an occupational therapy assistant. The fifth member shall be a person who is not engaged in the practice of occupational therapy. The occupational therapy board members shall be appointed by the governor from a list submitted by the Alabama Occupational Therapy Association. The occupational therapy board members shall have been engaged in rendering services to the public, teaching or research in occupational therapy for at least three years. The board members appointed from the list submitted by the association may be occupational therapists or occupational therapy assistants, and shall at all times be holders of valid licenses for the practice of occupational therapy in the state. Except for the members in the first board appointed from the list submitted by the association, all of such members shall fulfill the requirements for licensure of this act. Terms of appointment for the first board members shall be as follows: two members shall serve a one-year term; two members shall serve a two-year term; and one member shall serve a three-year term.

(2) The board shall, within 90 days after the effective date of this act, be selected as provided in subdivision (1). At the expiration of the above terms, board members shall be appointed in the same manner as the initial appointment, each for a period of three years, but no person shall be appointed to serve more than two consecutive terms.

(3) Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first members who shall serve through the last calendar day of the year in which they are appointed before the commencement of the terms prescribed by Section 6 (1).

(4) Within 45 days after the date of enactment of this act and annually thereafter, the association shall submit at least two and not more than three names for each of the positions to be filled. In the event of a midterm vacancy in one of the positions on the board, the governor shall appoint a member to fill the unexpired term from a list in the same manner as submitted previously by the association.

(5) The governor, after notice and opportunity for hearing by the board, may remove any member of the board for neglect of duty, incompetence, revocation or suspension of his/her license, or other dishonorable conduct. After such removal, the governor shall appoint a successor to the unexpired term from a list of not less than two or more than three names submitted by the association.

(6) The board shall elect from its membership a chairperson, a secretary, and a treasurer. A majority of the members of the board shall constitute a quorum and shall meet during the first month of the calendar year to select officers. No board member may hold the same position as an officer of the board for more than two consecutive years. At least one additional meeting shall be held before the end of the calendar year. Further meetings may be convened at the call of the chairperson or on the request of any three board members.

(7) Members may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties.

(8) All monies paid to the board shall be accepted by the treasurer of the board and deposited by him/her with the treasurer of the state and credited to an account to be known as the "Alabama State Board of Occupational Therapy." The compensation of and the reimbursement of all reasonable and necessary expenses actually incurred by the members of the board and all other costs and expenses incurred by the board in the execution of their powers and duties shall be paid from such fund, and no part of the state's general revenue fund shall be expended for such purpose.

Section 7. Powers and Duties of the Board.

(a) The board shall administer, coordinate, and enforce the provisions of this act.

(b) The board shall, within 90 days of the time at which it is appointed, notify all current practitioners of occupational therapy in the state of Alabama, as identified by the American Occupational Therapy Certification Board, of the enactment of the act and its otherwise becoming a law.

(c) The board shall adopt and publish rules and regulations relating to the professional conduct to carry out the policies of this act, including but not limited to regulations relating to professional licensure, and the establishment of ethical standards of practice. The State Board of Medical Examiners and the Alabama State Board of Occupational Therapy must jointly approve any rule, regulation or policy that interprets, explains, or enumerates the permissible acts, functions or services rendered by an occupational therapist, occupational therapy assistant or occupational therapy aide as those acts, functions and services are defined in section 3 of this act. Any rule, regulation or policy adopted in violation of this requirement is invalid.

(d) The board shall evaluate the qualifications of all applicants for licensure under this act and shall maintain a register of all persons holding a license and a record of all inspections made.

(e) The board shall approve or prepare all examinations of applicants for licensure at least twice a year, shall determine the qualifications and authorize the issuance of licenses to qualified occupational therapists and occupational therapy assistants and shall renew, suspend, or revoke the licenses in the manner provided.

(f) The board may investigate complaints and allegations concerning the violation of this act and may examine witnesses in connection with these investigations. Hearings may be conducted, providing reasonable public notice is given and records and minutes are kept in accordance with the rules and regulations of the board.

(g) The board shall make an annual report to the governor which report shall contain an account of duties performed, actions taken, and appropriate recommendations.

(h) The board shall establish a budget in accordance with the requirements of the state of Alabama.

(i) The board is empowered to establish and publish reasonable fees.

(j) The board may employ, and at its discretion discharge, an executive secretary and such officers and employees as may be necessary, and shall determine their duties and fix their compensation. These employees, guided by the recommendations of the board, shall act in all matters relating to this act.

Section 8. Requirements for Licensure. An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board fulfillment of the following requirements:

(1) Applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the board.

a. For an occupational therapist, such a program shall be accredited by the American Occupational Therapy Association in collaboration with the American Medical Association; or an individual may have successfully completed the American Occupational Therapy Association's career mobility program;

b. For an occupational therapy assistant, such program shall be approved by the American Occupational Therapy Association.

(2) Applicant shall submit to the board evidence of having successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where he or she met the academic requirements.

a. For an occupational therapist, a minimum of 24 weeks supervised fieldwork experience is required.

b. For an occupational therapy assistant, a minimum of eight weeks supervised fieldwork experience is required.

(3) Applicant shall pass an examination as provided for in Section 9 of this act.

Section 9. Examination for Licensure.

(a) A person applying for licensure under this act shall demonstrate his/her eligibility in accordance with the requirements of Section 8 of this act, and shall make application for examination upon a form and in such a manner as the board shall prescribe. A person who fails an examination may make reapplication for reexamination accompanied by the established fee.

(b) Each applicant for licensure under this act shall be examined by the board in written examination to test his or her knowledge of the basic clinical sciences relating to occupational therapy, and occupational therapy theory and practice, the applicant's professional skills and judgement in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall establish standards for acceptable performance by the applicant.

(c) The board shall give reasonable public notice of such examinations in accordance with its rules and regulations at least 60 days prior to their administration, and shall notify all individual examination applicants of the time and place of their administration.

(d) Applicants may obtain their examination scores and may review their papers in accordance with such rules and regulations as the board may establish.

Section 10. Waiver of Requirements for Licensure.

(a) The board shall waive the examination and grant a license to any person certified prior to the effective date of the act as an Occupational

Therapist Registered (OTR) or as a Certified Occupational Therapy Assistant (COTA) by the American Occupational Therapy Certification Board. The board may waive the examination and grant a license to any person so certified after the effective date of this act if the board considers the requirements for certification to be equivalent to the requirements under the terms of this act.

(b) The board may waive the examination and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or an occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this act.

(c) The board shall waive the educational requirements in Section 8 (1) but not the supervised fieldwork requirements in Section 8 (2) for applicants for licensure who present evidence to the board that they have been engaged in the practice of occupational therapy on and prior to the effective date of this act. Such proof of actual practice shall be presented to the board in such a manner as it may prescribe by regulation. To obtain the benefit of this waiver, an applicant shall file an application for licensure no later than one year from the effective date of this act.

Section 11. Issuance of a License.

(a) The board shall issue a license to any person who meets the requirements of this act upon payment of the license fee as described in Section 14 of this act.

(b) The board shall issue a limited permit to persons who have completed the education and experience requirements of this act. This permit shall allow the person to practice occupational therapy under the supervision of an occupational therapist who holds a current license in this state and shall be valid until the date on which the results of the next qualifying examination have been made public. This limited permit shall not be renewed if the applicant has failed the examination.

(c) Any person who is issued a license as an occupational therapist under the terms of this act may use the words "occupational therapist," "licensed occupational therapist," "occupational therapist registered," or may use the letters "O.T.," "L.O.T.," or "O.T.R./L." in connection with his/her name or place of business to denote registration hereunder.

(d) Any person who is issued a license as an occupational therapy assistant under the terms of this act may use the words "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant," or may use the letters "O.T.A.," "L.O.T.A.," or "C.O.T.A./L." in connection with his or her name or place of business to denote registration hereunder.

Section 12. Suspension and Revocation of License; Refusal to Renew.

(a) The board shall, after notice and opportunity for hearing, have the power to deny or refuse to renew a license, or may suspend or revoke a license, or may impose probationary conditions, where the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct includes:

(1) Obtaining or attempting to obtain a license by fraud, misrepresentation, or concealment of material facts;

(2) Being guilty of unprofessional conduct as defined by the rules established by the board;

(3) Violating any lawful order, rule or regulation rendered or adopted by the board;

(4) Being convicted of a crime other than minor offenses defined as "minor misdemeanors," "violations," or "offenses" in any court if the acts for which he or she was convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant;

(5) Violating any provision of this act.

(b) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the board in a decision made after a hearing in the manner provided by the rules and regulations adopted by the board. One year from the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may, but shall not be required to, hold a hearing to consider such reinstatement.

Section 13. Renewal of License.

(a) All licenses under this act shall be subject to renewal and shall expire unless renewed in the manner prescribed by the rules and regulations of the board upon the payment of a renewal fee. The board may set a required number of continuing education units for license renewal. The board may provide for a late renewal of license upon payment of a late renewal fee. Any license which has not been restored within three years following its expiration may not be renewed, restored, or reissued thereafter. The holder of such an expired license may apply for and obtain a valid license only upon compliance with all relevant requirements for issuance of a new license.

(b) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in other conduct or activity in violation of the license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the reorder or judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

Section 14. Fees. The board is empowered to establish and publish reasonable fees in amounts determined by the board for the following purposes:

- (1) Application for examination;
- (2) Limited permit fee;
- (3) Initial license fee;
- (4) Renewal of license fee;
- (5) Late renewal fee.

Section 15. Crimes and Criminal Penalties.

(a) Any person who violates any provisions of the act, the Alabama State Occupational Therapy Practice Act, shall be guilty of a misdemeanor

and upon conviction shall be punished by a fine of not less than \$250.00 and not more than \$1,000.00, or imprisonment for a period not exceeding six months, or both. A license held by any person convicted under this section shall be forfeited and revoked forthwith for one year from the date of such conviction.

(b) It is unlawful for any person who is not registered under this act as an occupational therapist or as an occupational therapy assistant or whose registration has been suspended or revoked to use, in connection with his or her name or place of business, the words "occupational therapist," "licensed occupational therapist," "occupational therapist registered," "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant," or the letters "O.T.," "L.O.T.," "O.T.R.," "O.T.A.," "L.O.T.A.," or "C.O.T.A.," or any other words, letters, abbreviations, or insignia indicating or implying that he or she is an occupational therapist or an occupational therapy assistant or to show in any way, orally, in writing, in print, or by sign, directly or by implication, or to represent himself or herself as an occupational therapist or an occupational therapy assistant.

Section 16. Provision for Appeal or Review. Any person may file a complaint with the board against any licensed occupational therapist or licensed occupational therapy assistant in the state charging said person with having violated the provisions of this act. The complaint shall set forth specifications of charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he or she is charged. When such complaint is filed, the secretary of the board shall mail a copy thereof to the accused by registered mail at his or her address of record, with a written notice of the time and place of hearing thereof, advising him or her that he or she may be present in person and by counsel if he or she so desires, to offer evidence and be heard in his or her defense.

At the time and place fixed for the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the person against whom charges are preferred a full and fair opportunity to be heard in his or her defense. The board shall not be bound by strict or technical rules of evidence but shall consider all evidence fully and fairly; provided, however, that all oral testimony considered by the board must be under oath. If the board finds that the licensed occupational therapist or the licensed occupational therapy assistant has violated the provisions of this act, it shall immediately revoke his or her licensure.

The action of the board in revoking or refusing to issue a license may be reviewed by the circuit court of Montgomery County by a writ of mandamus, accompanied by a bond to be approved by the court, to determine whether the board acted arbitrarily, capriciously, or illegally. The review procedure provided herein shall not suspend the action of the board in the revocation or refusal of a license.

Section 17. Severability. In the event any section, subsection, sentence, clause or phrase of this act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner effect the other sections, subsections, sentences, clauses or phrases of this act, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The Alabama State Legislature hereby declares that it would have passed the remaining parts of this act if it had been known that such parts hereof would be declared or adjudged invalid or unconstitutional.

Section 18. Repealer. All laws or parts of laws which conflict with this act are hereby repealed.

Section 19. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (W), Clay, Crow, Curry, Dillard, Drake, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, McClain, McKee, McMillan, Mikell, Moon, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Starkey, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—67

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Health, said committee amendment being as follows:

The Substitute For H. B. 79 is amended as follows:

1. By striking the words "one year" at page 12, line 17 and substituting the words "fifteen (15) months".

2. By the addition of Sub-paragraph (d) to Section 10 at page 12, line 19 as follows:

(d) The Board shall cause notification to be sent to all occupational therapists presently employed or practicing occupational therapy in this state. The notification must summarize the requirements of this Act and provide information on procedures for obtaining a license. Publication of the notification shall be accomplished in the following manner:

1. A letter containing the notice shall be directed to all persons registered or certified by the American Occupational Therapy Certification Board who reside in the State of Alabama; and

2. Notice shall be published in all national and state trade or professional journals relating to occupational therapy for not less than three (3) consecutive months; and

3. Notice shall be published in all daily newspapers in the State of Alabama at least once per month for three (3) consecutive months.

The Board shall cause the notices required by this sub-section to commence within 90 days from the effective date of this Act.

And the amendment #1 was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Brooks, Buskey (JE), Buskey (JL), Carothers, Clay, Crow, Curry,

Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Headley, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, McClain, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Sanderford, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—68

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Substitute to H. B. 79, Section 5, page 6, line 11, after the period by inserting the following:

(6) If a hospital does not employ a licensed occupational therapist, the attending physician may refer patients in need of occupational therapy services to other qualified health related personnel as determined by the physician.

And the amendment #2 was adapted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clay, Curry, Dillard, Drake, Escott, Frazier, Gaston, Goodwin, Grayson, Grouby, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Warren, White (F), White (G), White (L), Willis and Wright.

—65

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Substitute to H. B. 79, Section 9, page 11, line 24, after the period by inserting the following new subsection:

(e) Foreign trained occupational therapists and occupational therapy assistants shall satisfy the examination requirements of Section 8 (3). The Board shall require foreign trained applicants to complete educational and supervised field work requirements, substantially equal to those contained in Section 8, before taking the examination.

And the amendment #3 was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clay, Crow, Curry, Dillard, Drake, Escott, Frazier, Freeman, Fuller, Gaston, Goodwin,

Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Rains, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—72

The question was then on the adoption on the amendment #4 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend the Substitute to H. B. 79, on Page 11, Section 9(d), Line 23, by striking the following language: ~~and may review their papers~~

And the amendment #4 was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Clay, Crow, Curry, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Moon, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Poole, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis and Wright.

—64

The question was then on the adoption of the amendment #5 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend substitute to H. B. 79, on page 6, Section 5 (5), line 2, after the words "no more than", by striking the number 100 and inserting in lieu thereof the number 120

And the amendment #5 was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Curry, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Mikell, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Rogers, Sanderford,

Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—72

AMENDMENT OFFERED

Rep. Perdue offered the following amendment to the bill, H. 79 as amended:

Amend Substitute to House Bill 79 on page 1, line 33 by inserting after the word "date," the following phrase to provide an appropriation for fiscal years 1988-89 and 1989-90;

Further amend Substitute to House Bill 79 on page 8, by deleting lines 9 through 12 in their entirety and inserting in lieu thereof the following language:

"(8) There is hereby established a separate special revenue trust fund in the state treasury to be known as the Alabama State Board of Occupational Therapy Fund. All receipts collected by the board under the provisions of this act are to be deposited in this fund and used only to carry out the provisions of this act. Such receipts shall be disbursed only by warrant of the state comptroller upon the state treasurer, upon itemized vouchers approved by the chairman of the board; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12 of the Code of Alabama 1975 and only in amounts as stipulated in the general appropriations bill or other appropriation bills."

Further amend Substitute to House Bill 79 on page 17, line 2 by inserting the following sections and renumbering subsequent sections accordingly:

"Section 17. There is hereby appropriated from the Alabama State Board of Occupational Therapy Fund to the Alabama Board State Board of Occupational Therapy, for the fiscal year ending September 30, 1989, the sum of \$20,000. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Board of Occupational Therapy."

Section 18. There is hereby appropriated from the Alabama State Board of Occupational Therapy Fund to the Alabama Board State Board of Occupational Therapy, for the fiscal year ending September 30, 1990, the sum of \$40,000. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama State Board of Occupational Therapy."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carothers, Clark (W), Clay, Curry, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis,

REGULAR SESSION
24th Day

2441

McClain, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—71

And the bill:

H. 79. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; to provide an appropriation for fiscal years 1988-89 and 1989-90; and to provide for other matters relative to the foregoing.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—83

BUDGET ISOLATION RESOLUTION

On motion of Rep. Beers, Budget Isolation Resolution relating to H. B. 407, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Crow, Curry, Drake, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Higginbotham, Hogan, Holley, Holmes, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan,

Mikell, Moon, Parker, Payne, Penry, Petelos, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—63

S. 225 SUBSTITUTED FOR H. 407

On motion of Rep. Beers, the bill, S. 225 was substituted for the bill, H. 407.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White(G), Budget Isolation Resolution relating to S. B. 225, was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Colvin, Crow, Curry, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—80

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 102. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

Also:

H. 611. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act No. 356 of the Legislature of Alabama of 1973 to increase the maximum retirement allowance credit from 30 to 40 years of creditable service; to amend Section 1 of Act No. 618 of the Legislature of Alabama of 1977 to equalize the reemployment repayment provisions for the restoration of creditable service credit; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to increase the maximum annual service retirement allowance from 12 times sixty per centum to 12 times eighty per centum of the members' average monthly compensation, to reduce the creditable service required for vesting from 15 to 10 years and to remove special retirement restrictions for members who have attained the age of 70.

Also:

H. 919. Relating to Montgomery County; amending Section 1 of Act No. 87-748, H. 1051 of the 1987 Alabama Legislature (Acts 1987, p. 1472),

providing for the release of certain persons from legal custody who own equitable interest in real estate of the county, so as to further provide for persons who can post bail or appeal bonds using certain real estate equitable interest.

Also:

H. 1012. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

McDOWELL LEE,
Secretary.

S. 225 RESUMED

And the bill:

S. 225. (With Amendment): To amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill No. 225, Page 2, Line 16, by striking out the following words: "~~including social security number~~" and inserting in lieu thereof the following:

including a social security card,

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McKee, McMillan, Mikell, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—75

And the bill, S. 225 as thus amended, was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—78

H. 407 INDEFINITELY POSTPONED

On motion of Rep. White (G), the bill:

H. 407. To amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

Was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 462. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 414. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 416. COMMENDING DAVID BRYANT SMITH OF GADSDEN, ALABAMA.

Also:

H. J. R. 417. COMMENDING SHANE DICKERSON OF FRUIT-DALE HIGH SCHOOL, DISTRICT V TEACHER OF THE YEAR.

Also:

H. J. R. 418. COMMENDING THE PIZITZ MIDDLE SCHOOL BAND IN VESTAVIA HILLS, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 426. MOURNING THE DEATH OF LESLEY ANN KAYLOR OF ATTALLA, ALABAMA.

Also:

H. J. R. 427. RECOGNIZING WITH COMMENDATION THE 100TH ANNIVERSARY OF THE GADSDEN CITY SCHOOLS.

Also:

H. J. R. 428. COMMENDING THE MONTGOMERY COUNTY EDUCATION ASSOCIATION.

Also:

H. J. R. 429. COMMENDING THE FRANCIS MARION HIGH SCHOOL RAMS ON THE 1988-1989 STATE CLASS 2A BASKETBALL CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 460. CONGRATULATING W. HAROLD GRANT, PH.D., AUBURN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 463. MOURNING THE DEATH OF DR. HERMAN STONE OR BIRMINGHAM, ALABAMA.

Also:

H. J. R. 466. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 108TH BIRTHDAY.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. McDowell, Budget Isolation Resolution relating to H. B. 793, was adopted.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Escott, Ford, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Newton (D), Parker, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis and Wright.

—69

Nay: Rep. Payne.

—1

And the bill:

H. 793. (With Substitute) (With Amendment): To amend Code of Alabama 1975, §15-10-3 which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; and to provide for good faith immunity for arrests, to provide for reports of investigations of family violence, severability, repeal of conflicting laws and the effective date.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama 1975, § 15-10-3 which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; and to provide for good faith immunity for arrests, to provide for reports of investigations of family violence, severability, repeal of conflicting laws and the effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This Act shall be entitled the Law Enforcement Protection Act of 1989.

Section 2. Code of Alabama, 1975, §15-10-3, is hereby amended to read as follows:

§15-10-3. Arrest without warrant—When and for what allowed.

“(a) An officer may arrest any person without a warrant, on any day and at any time for:

“(1) Any public offense committed or breach of the peace threatened in his presence;

“(2) When a felony has been committed, though not in his presence, by the person arrested;

“(3) When a felony has been committed and he has reasonable cause to believe that the person arrested committed it;

“(4) When he has reasonable cause to believe that the person arrested has committed a felony, although it may afterwards appear that a felony had not in fact been committed;

“(5) On a charge made, upon reasonable cause, that the person arrested has committed a felony;

“(6) When he has reasonable cause to believe that a warrant for the person's arrest for the commission of a felony or misdemeanor has been issued, provided such warrant was issued in accordance with the provisions of this chapter. However, upon request he shall show the warrant to the arrested person as soon as possible. If the officer does not have the warrant in his possession at the time of arrest he shall then inform the defendant of the offense charged and of the fact that a warrant has been issued;

“(7) When he has reasonable cause to believe that a felony or misdemeanor has been committed by the person arrested in violation of a protection order issued by a court of competent jurisdiction; and

“(8) Whenever an offense involves family violence as defined by this section, and the arrest is based on probable cause, regardless of whether the offense is a felony or misdemeanor. Family violence is defined as any incident resulting in the abuse, assault or the attempt or threats thereof, between family or household members. Abuse is further defined as any offense defined under Code of Alabama, 1975, §13A-6-60 through 70, or abusing children under §26-15-1 through 4. Assault is further defined as any offense defined under Code of Alabama, 1975, §13A-6-20 through 25. Family or household members include spouses, former spouses, parents, children, or any other persons related by blood or marriage, a person with whom the victim has a child in common or a present or former household member.

(b) Law enforcement agencies and officers shall enjoy absolute immunity from civil suit for any arrest made in good faith, while exercising due care.

(c) Whenever a law enforcement officer investigates an allegation of family violence, whether or not an arrest is made, the officer shall make a written report of the alleged incident, including a statement of the complaint, and the disposition of the case.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—77

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 793, Section 2, Page 3, Line 14, after the word "shall" by striking the remainder of Sub-Section 2(b) and substituting in lieu thereof the following:

be immune from all civil liability not arising from willful or wanton conduct.

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Mathis, McKee, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—75

And the bill, H. 793 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Escott, Ford, Frazier, Freeman, Gaston,

Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Moon, Newton (C), Newton (D), Parker, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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Nays: Reps. Beers and Payne.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 793.

Mr. Speaker, Beasley, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Clark (W), Clay, Colvin, Curry, Dillard, Escott, Gaston, Harvey, Headley, Hill, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, McKee, Moon, Newman, Newton (D), Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, White (F), White (L), Wright and Zoghby.

H. 675 TEMPORARILY CARRIED OVER

On motion of Rep. Bowling, the bill, H. 675, was temporarily carried over.

And the bill:

H. 728. To amend Section 9-17-3, Code of Alabama 1975, which relates to the state oil and gas board, to provide that each member of the state oil and gas board shall be entitled to an expense allowance of \$500.00 per month.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Willis and Zoghby.

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And the bill:

H. 356. To create and establish a special abandoned mine land reclamation trust fund to receive and retain up to 10 per centum of the appropriated funds granted annually by the Secretary of the U. S. Department of Interior for the reclamation of abandoned mine lands in Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (C), Parker, Payne, Petelos, Rains, Sanderford, Seibels, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

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And the bill:

H. 108. (With Substitute): To amend Sections 34-38-1 and 34-38-2, Code of Alabama 1975, relating to the Alabama Impaired Professionals' Committee, so as to provide further for the cost of treatment programs and the authority of the board or boards to take disciplinary action against professionals.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 34-38-1, Code of Alabama, 1975, so as to include the definition of hygienist in Section 34-38-1, and to bring hygienists under the provisions of this chapter. To amend Section 34-38-2, Code of Alabama, 1975, relating to the limitation of expenses of the Alabama impaired professionals' committee, so as to exclude the cost of treatment or rehabilitation programs recommended by the committee to professionals subject to the provisions of Section 34, Chapter 38 of the Code of Alabama 1975, and to preserve the authority of the regulatory board or boards to take disciplinary action against professionals subject to the provisions of this section. To amend Section 34-38-6, Code of Alabama, 1975, relating to the confidentiality of information, records and proceedings so as to allow certain access by the regulatory boards. To amend Section 34-38-7, Code of Alabama, 1975, relating to reporting requirements so as to require certain reports to the regulatory boards.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-38-1, Code of Alabama 1975, is hereby amended to read as follows:

“§34-28-1. Definitions.

For the purposes of this chapter, the following terms shall have the meaning respectively ascribed to them by this section, unless the context clearly provides for another:

(1) DENTIST. Any person who is a dentist or dental practitioner pursuant to the definition of section 6-5-481, as amended.

(2) **PHARMACIST.** Any person who is a pharmacist as defined in section 34-23-1, as amended, and pharmacy externs and interns registered by the board of pharmacy under Rule 680-X-2-.16 of the Alabama Administrative Code.

(3) **BOARDS.** Individually and/or jointly; the board of dental examiners and the board of pharmacy.

(4) **COMMITTEE.** The Alabama impaired professionals' committee (Acts 1988, No. 88-334, §1.)

(5) **HYGIENIST.** Any person who is a hygienist pursuant to the provisions of sections 34-9-26 and 34-9-27."

Section 2. Section 34-38-2, Code of Alabama 1975, as amended, is hereby amended to read as follows:

"§34-38-2. Duty of board of dental examiners and board of pharmacy to promote early treatment, etc., of professionals impaired by illness, inebriation, etc.; Alabama impaired professionals' committee; expenses; competitive bidding not required.

It shall be the duty and obligation of each the state board of dental examiners and the state board of pharmacy to promote the early identification, intervention, treatment and rehabilitation of professionals within the respective jurisdiction, licensed to practice in the State of Alabama, who may be impaired by reason of illness, inebriation, excessive use of drugs, narcotics, controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of any physical or mental condition rendering such person unable to meet the standards of his or her profession. For the purpose of this chapter, the term "impaired" shall mean the inability of a dentist, hygienist or pharmacist to practice with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of physical or mental condition rendering such person unable to meet the standards of his or her profession. In order to carry out this obligation, each board, individually or jointly, is hereby empowered to contract with any nonprofit corporation, health provider or professional association for the purpose of creating, supporting and maintaining a committee of professionals to be designated the Alabama impaired professionals' committee. The committee shall consist of not less than three nor more than fifteen professionals licensed to practice dentistry or pharmacy in the State of Alabama, and selected in a manner prescribed by the board or boards. The authority of the Alabama impaired professionals' committee shall not supercede the authority of the board or boards to take disciplinary action against professionals subject to this chapter. Nothing in this chapter shall limit the power and authority of the board or boards to discipline an impaired professional subject to its jurisdiction; provided that where a professional is impaired and currently in need of intervention, treatment or rehabilitation and such professional is currently participating in programs or rehabilitation recommended by the committee, then in its discretion, the board or boards may refrain from taking or continuing disciplinary action against such professional; and further provided that where the board or boards, upon reasonable cause to believe a professional subject to its jurisdiction is impaired, has referred such professional to the committee for evaluation, then in its discretion, the board or boards may refrain from taking or continuing disciplinary action against such professional. The board, or boards, is authorized to expend such funds as are available to it as deemed necessary to adequately provide for the

operational expenses of the Alabama impaired professionals' committee, including, but not limited to, the actual cost of travel, office overhead, personnel expense and compensation for the members of the committee and its staff; provided that operational expenses of the Alabama impaired professionals' committee shall not include the cost of treatment or rehabilitation programs recommended by the committee to professionals subject to this chapter."

Section 3. Section 34-38-6, Code of Alabama, 1975, is hereby amended as follows:

"§34-38-6. Confidentiality of Information, Records and Proceedings.

All information, interviews, reports, statements, memorandums, or other documents furnished to or produced by the Alabama impaired professionals' committee and any findings, conclusions, recommendations or reports resulting from the investigations, interventions, treatment or rehabilitation, or other related proceedings of such committee are declared to be privileged and confidential. All records and proceedings of such committee shall be confidential and shall be used by such committee, and the members thereof and the boards, only in the exercise of the proper functions of the committee and the boards, and shall not be public records nor available for court subpoena or for discovery proceedings. Nothing contained herein shall apply to records made in the regular course of business of a professional; documents or records otherwise available from original sources and not to be construed as immune from discovery or use in any civil proceedings merely because they were presented or considered during the proceedings of the Alabama impaired professionals' committee.

Section 4. Section 34-38-7, Code of Alabama, 1975, as amended, is hereby amended as follows:

"§34-38-7. Annual Report.

It shall be the duty of the Alabama impaired professionals' committee to render an annual report to each board or boards, concerning the operations and proceedings of the committee for the preceding year. In addition, the committee shall promptly report to the respective boards any professional within their jurisdiction who, in the opinion of the committee is unable to practice the standards of his or her profession with reasonable skill and safety to patients, by reason of illness, inebriation, excessive use of drugs, controlled substances, narcotics, alcohol, chemicals or other dependent forming substances, or as a result of any physical or mental condition rendering such person unable to meet the standards of his or her profession and appears that such professional is currently in need of intervention treatment or rehabilitation. ~~And such professional has failed or refused to participate in programs of committee.~~ A report to the Alabama impaired professionals' committee shall be deemed to be a report to the board or boards for the purposes of any mandated reporting of professional impairment otherwise provided for by the statutes of this state.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Britnell, Brooks, Butler, Carothers, Clark (W), Colvin, Curry, Dillard, Frazier, Freeman, Fuller,

Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marks, Mathis, McMillan, Moon, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L) and Wright.

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And the bill:

H. 108. To amend Section 34-38-1, Code of Alabama, 1975, so as to include the definition of hygienist in Section 34-38-1, and to bring hygienists under the provisions of this chapter. To amend Section 34-38-2, Code of Alabama, 1975, relating to the limitation of expenses of the Alabama impaired professionals' committee, so as to exclude the cost of treatment or rehabilitation programs recommended by the committee to professionals subject to the provisions of Section 34, Chapter 38 of the Code of Alabama 1975, and to preserve the authority of the regulatory board or boards to take disciplinary action against professionals subject to the provisions of this section. To amend Section 34-38-6, Code of Alabama, 1975, relating to the confidentiality of information, records and proceedings so as to allow certain access by the regulatory boards. To amend Section 34-38-7, Code of Alabama, 1975, relating to reporting requirements so as to require certain reports to the regulatory boards.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Drake, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McMillan, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

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H. 398 TEMPORARILY CARRIED OVER

On motion of Rep. Britnell, the bill, H. 398, was temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting

of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 141. To amend Section 8-8-14, Code of Alabama 1975, which provides for an interest surcharge on loans and credit sales, so as to provide further for said interest and surcharges.

Also:

S. 142. Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service for certain time such persons were on leave of absence; providing for the cost of such credited service; and providing for the expiration date of such option.

Also:

S. 147. To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

Also:

S. 267. To authorize the governing body of any municipality, or any municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions

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thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets, utility structures or facilities or bridges; and to provide that the provisions of this act are cumulative.

Also:

S. 297. To amend Section 9-11-246, Code of Alabama 1975, as last amended, relating to the penalties for the violation of Sections 9-11-244 and 9-11-245, Code of Alabama 1975, so as to increase and further provide for the penalties for violating Section 9-11-244 with respect to deer or turkey.

Also:

S. 604. To provide that the local governing bodies in Lowndes County and the Lowndes County governing body shall have certain mandatory authority and participation in solid waste collection and disposal programs; to provide for the authority of said local governing bodies to adopt by resolutions and ordinances reasonable rules and regulations relating to such participation; to provide for certain public nuisance violations and fines; to provide for certain assessments and procedures, all relating to solid waste collection and disposal facilities; to provide for fees and assessments, and fines for violations; to provide for hearings of aggrieved parties and fines.

Also:

S. 642. Amending Act No. 80-164, H. 167, 1980 Regular Session, which supplements the salaries of the Circuit Judges of the Thirteenth Judicial Circuit in Mobile County, so as to increase said supplement.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 787. (With Amendments): To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, so as to provide further for such rights.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 787, in the Title, Page 1, Line 19, after the word "cases" by adding the following:

and in other cases,

And the amendment #1 was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Britnell, Brooks, Buskey (JL), Butler, Campbell, Carothers, Colvin, Crow, Curry, Dillard, Drake, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Parker, Payne, Petelos, Poole, Rains, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Warren, White (G), Willis, Wright and Zoghby.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 787, Section 1, Page 2, Line 2, after the word "have" by striking the following:

~~been denied to them~~ and substituting in lieu thereof the following:

not been previously established by the Court, and to file a motion for contempt when such rights have been denied to them.

And the amendment #2 was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Brooks, Bryant, Butler, Campbell, Carothers, Colvin, Curry, Dillard, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Warren, White (G), Willis, Wright and Zoghby.

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And the bill:

H. 787. To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, and in other cases, so as to provide further for such rights.

As thus amended, was read a third time at length and passed and ordered engrossed.

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Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Coburn, Colvin, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following co-sponsors were added to the bill, H. 787:

Mr. Speaker, Beasley, Beers, Blakeney, Bowling, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clay, Colvin, Crow, Curry, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (C), Payne, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Turner, Turnham, Warren, White (F), White (G), Willis, Wright and Zoghby.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 307. COMMENDING THE GERALDINE HOMEMAKER CLUB FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H. J. R. 311. DECLARING "CAMP SMILE WEEK", JUNE 26-30, 1989.

Also:

H. J. R. 313. COMMENDING JUANITA J. VANN ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 314. COMMENDING EUNICE HORTON ON HER NOMINATION AS A CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 315. COMMENDING BRENDA DeRAMUS-COLEMAN ON HER NOMINATION AS CANDIDATE FOR NEA UNISERVE DIRECTOR, AND FOR DEDICATION AND SERVICE IN THE FIELD OF EDUCATION.

Also:

H. J. R. 304. COMMENDING THE ALABAMA ASSOCIATION OF RESCUE SQUADS AND THE ASSOCIATION'S MEMBER UNITS.

Also:

H. J. R. 350. COMMENDING GEORGE E. DIXON FOR OUTSTANDING SERVICE TO LOCAL UNION 505, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS.

Also:

H. J. R. 355. COMMENDING WILLIE MAE BUTLER OF HUNTSVILLE, ALABAMA, ON HER OUTSTANDING ACHIEVEMENTS.

Also:

H. J. R. 357. CONGRATULATING THE ERWIN HIGH SCHOOL FOOTBALL TEAM AS THE AREA 10 CHAMPIONS.

Also:

H. J. R. 299. CONGRATULATING GORDON G. SMITH, III, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 300. CONGRATULATING LUIS M. WILLIAMS, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 301. COMMENDING MR. THOMAS S. DAMSON OF MOBILE, ALABAMA.

Also:

H. J. R. 302. COMMENDING THE WILLIAMSON HIGH SCHOOL GIRLS BASKETBALL TEAM AS OUR 1989 STATE 5A GIRLS CHAMPIONS.

Also:

H. J. R. 295. CONGRATULATING JOHN P. MACNAMARA, III, PH.D., MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 296. CONGRATULATING JOHN N. HECKER, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 297. CONGRATULATING J. BRADLEY DONAGHEY, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 298. CONGRATULATING ROBERT B. BARNETT, MOBILE, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 287. MOURNING THE DEATH OF MR. ELI CAMPBELL OF CHOCTAW COUNTY, ALABAMA.

Also:

H. J. R. 288. CONGRATULATING ALABAMA'S 1989 JUNIOR MISS, KIMBERLY MARIE WIMMER OF MOBILE.

Also:

H. J. R. 293. COMMENDING ANGELINE WHEAT OF SELMA, ALABAMA, FOR DEDICATED AND HONORABLE SERVICE TO THE STATE OF ALABAMA.

Also:

H. J. R. 294. COMMENDING JIM AGNEW FOR DISTINGUISHED SERVICE TO THE HUNTSVILLE-MADISON COUNTY COMMUNITY AND DESIGNATING HIM AS "MR. AMBULANCE."

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 547. (With Substitute): To expand the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home reform enforcement provisions of the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203 and any persons protection act by the 1989 Alabama Legislature are met.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

This bill expands the enforcement authority of the Medicaid Agency of Alabama to ensure that compliance with nursing home enforcement process

reform provisions of the Omnibus Budget Reconciliation Act of the 1987 P. L. 100-203.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature recognizes the increasing population of our Senior Citizens and the importance of ensuring that each receives quality health care. The Medicaid Agency of the State of Alabama, hereinafter referred to as "Medicaid", shall have the power to enforce specific remedies to ensure compliance with OBRA.

Section 2. This Act shall be known as "The Long Term Quality Health Care Act."

Section 3. Any reference contained in this Act to federal law or compliance with federal law shall be a reference to compliance with the Omnibus Budget Reconciliation Act of 1987 P. L. 100-203, hereinafter referred to as "OBRA."

Section 4. Where referred to in this Act, facility shall mean intermediate care facility and skilled nursing facility licensed by the State Board of Health. More specific definitions shall be established by the department pursuant to the Alabama Administrative Procedures Act in order to comply with OBRA.

Section 5. Medicaid is designated as the agency responsible to ensure compliance with the facility reform enforcement process provisions of OBRA. All funds received pursuant to this Act shall be deposited with the treasury to credit of Medicaid and are hereby continually appropriated for the purpose of carrying out the provision of this Act.

Section 6. Medicaid shall have such specific civil remedies of enforcement as is required by OBRA as a minimum state enforcement remedy. In order to ensure compliance with this Act, Medicaid rules and regulations and OBRA, Medicaid shall also specify criteria, as to when and how each of such enforcement remedies is to be applied, the amounts of any fines, and the severity of each of these remedies, to be used in the imposition of such remedies. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the remedies, and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies. Such enforcement remedies and criteria shall be promulgated by rule or regulation pursuant to the Alabama Administrative Procedures Act no later than October 1, 1989. Medicaid shall not have the power to implement such specific enforcement remedies until Medicaid has also adopted specific criteria as to when and how each of such remedies is to be applied, the amounts of any fines, and the severity of each of these remedies to be used in the imposition of such remedies.

Section 7. This Act shall in no way supersede, replace or affect the licensing and certification responsibilities or other regulatory functions of the Health Department. All health care facilities licensing authority shall remain the responsibility of the Department of Public Health upon and after the effective date of this Act.

Section 8. All revenue collected pursuant to assessing civil penalties shall be deposited in the State Treasury to the credit of Medicaid in a trust fund known as the Resident Protection Trust Fund. This fund is hereby appropriated to Medicaid to be expended for the purpose of protecting the health and property of residents in nursing facilities found deficient and for assisting with relocating indigent residents when an action is taken under

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the auspices of this Act. This fund may be used for the maintenance of a facility pending correction of deficiencies or closure and to reimburse residents for personal funds lost. All funds in excess of \$50,000 may be used to provide technical assistance to facilities to return to full compliance with this Act.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clay, Coburn, Colvin, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hamilton, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Starkey, Thomas, Turner, Turnham, White (F), White (G), White (L), Willis and Zoghby.

—75

And the bill, S. 547 as thus amended, was read a third time at length and passed.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Bowling, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Clay, Coburn, Colvin, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—84

And the bill:

H. 810. To create the office of Honorary Senator, Honorary Representative, and Honorary Lieutenant Governor of the State of Alabama and to provide for the requirements for holding such office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 29.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (W), Coburn, Colvin, Davis, Drake, Frazier, Goodwin, Grouby, Headley, Hogan, Holmes, Laird, Logan, Mathis, McClain, McDowell, Melton, Newton (D), Rogers, Spratt, Starkey, Thomas, White (F) and White (L).

—32

Nays:

Reps. Beasley, Beers, Brooks, Burke, Butler, Campbell, Curry, Dillard, Fuller, Gaston, Hamilton, Harvey, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), McKee, Mikell, Moon, Newman, Newton (C), Parker, Payne, Poole, Sanderford, Turnham, Venable and Warren.

—29

And the bill:

S. 326. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of the affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

Was read a third time at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Clay, Colvin, Crow, Curry, Dillard, Escott, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (G), Willis, Wright and Zoghby.

—80

And the bill:

H. 354. (With Substitute): To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so as to change the cutoff enrollment date from October 1 to September 1 of each year.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so

as to change the cutoff enrollment date from October 1 to September 1 of each year; to ensure that students already enrolled in Kindergarten can proceed to Grade One notwithstanding this Act; and to provide that no board of education shall lose any teacher unit as a result of this Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-28-4, Code of Alabama, 1975, is hereby amended to read as follows:

“§16-28-4.

“(a) A child who is six years of age on or before ~~October~~ September 1 shall be entitled to admission to the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under six years of age on ~~October~~ September 1 shall not be entitled to admission to such schools during that school year; except, that an underage child who transfers from the first grade of a school in another state may be admitted to school upon approval of the board of education in authority, and an underaged child who has moved into this state having completed or graduated from a mandated Kindergarten program in another state shall be entitled to admission to the public elementary schools regardless of age. A child who becomes six years of age on or before February 1 may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils.

(b) A child who is five years of age on or before ~~October~~ September 1 shall be entitled to admission to the local public school ~~Kindergartens~~ at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under five years of age on ~~October~~ September 1 shall not be entitled to admission to such schools during that school year; except that, an underaged child who transfers from the public school Kindergarten in another state may be admitted to local public Kindergarten on the prior approval of the local board of education on a space available basis. The aforementioned underage children transferring from the public school Kindergartens of another state, upon successful completion of the Kindergarten in the local public schools, will then be allowed admission to the First Grade of the local public schools.”

Section 2. Students who are already enrolled in a public, private, or church school Kindergarten may be allowed, if requested by the parent, to enroll in Grade One of a public school, consistent with state law, State Board of Education policies, and local board policies.

Section 3. No public school system shall lose any teacher unit as a result of this Act. The State Board of Education is authorized to adopt policies for local boards of education for the implementation of this section.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective with the commencement of the 1990-91 scholastic year.

And the substitute was adopted.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clay, Colvin, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Rogers, Seibels, Spratt, Starkey, Turner, Warren, White (G), Williams, Willis, Wright and Zoghby.

—71

Nay: Rep. Sanderford.

—1

And the bill:

H. 354. To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so as to change the cutoff enrollment date from October 1 to September 1 of each year; to ensure that students already enrolled in Kindergarten can proceed to Grade One notwithstanding this Act; and to provide that no board of education shall lose any teacher unit as a result of this Act.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clay, Colvin, Crow, Curry, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Turner, Warren, White (G), Williams, Willis, Wright and Zoghby.

—81

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harvey, the rules were suspended in order to take up out of order the bill, S. 104.

And the bill:

S. 104. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

REGULAR SESSION
24th Day

2465

Was read a third time at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Clay, Crow, Dillard, Escott, Flowers, Ford, Freeman, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Payne, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Spratt, Starkey, Turner, Venable, Warren, White (G), Williams, Willis and Wright.

—70

SPECIAL ORDER RESUMED

And the bill:

H. 362. To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise tax, so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Clay, Dillard, Escott, Flowers, Frazier, Freeman, Goodwin, Gray, Hall, Hamilton, Hammett, Haynes, Headley, Hill, Hogan, Johnson (RG), Kvalheim, Layson, Logan, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Petelos, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, Venable, White (G), Williams, Willis and Wright.

—57

Nay: Rep. Payne.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

McDOWELL LEE,
Secretary.

H. 268 TEMPORARILY CARRIED OVER

On motion of Rep. Mikell, the bill, H. 268, was temporarily carried over.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Reps. Marks, Laird and Hammett would have voted "Nay" on the bill, H. 810, had they been in the Chamber at the time of voting.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 472. HONORING OUR COLLEAGUE, JOHN COLVIN OF GADSDEN, ALABAMA, AND DESIGNATING HIM AS THE MOST OUTSTANDING FRESHMAN DEMOCRAT IN THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

SPECIAL ORDER RESUMED

And the bill:

H. 901. (With Substitute): To amend Sections 28-3-43 and 28-8-8, Code of Alabama 1975, relating to the sale of table wines by the Alcoholic Beverage Control Board, so as to eliminate such sales.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 28-3-43 and 28-8-8, Code of Alabama 1975, relating to the sale of table wines by the Alcoholic Beverage Control Board, so as to eliminate such sales.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 28-3-43 and 28-8-8, Code of Alabama 1975, are hereby amended to read as follows:

"§28-3-43.

"(a) The functions, duties and powers of the board shall be as follows:

"(1) To buy, manufacture and sell alcoholic beverages, other than beer and table wine, and to have alcoholic beverages in its possession for sale, as defined and enumerated in this chapter.

"(2) To control the possession, sale, transportation and delivery of alcoholic beverages as enumerated and defined in this chapter.

"(3) To determine the localities within which any state store shall be established and operated and the location of such store. No store shall be

established in and neither the board nor any other person may legally buy, manufacture or sell alcoholic beverages in any county which has voted in the negative in any election called as provided in chapter 2 of this title for determining the said issue unless and until said county has at a subsequent similar election voted in the affirmative. The board shall have the power to establish and maintain state stores for the sale of liquors, other than beer and table wine, as defined in this chapter; provided, that municipalities may by proper zoning ordinances establish zones or districts within which such liquor stores may or may not be established; provided further, that the number of liquor stores in any municipality shall be limited to two such stores for municipalities of 25,000 population or less according to the last or any subsequent federal census and, in municipalities having more than 25,000 population, such additional stores as the board, in its discretion, may determine.

“(4) To make provision for the maintenance of warehouses for alcoholic beverages and to control the delivery of alcoholic beverages to and from such warehouses and the keeping of the same therein.

“(5) To operate distilleries and to manufacture alcoholic beverages if, in the opinion of the board, the purposes of this chapter can be thereby promoted. The price of all spirituous and vinous liquors dispensed by the board shall be fixed by the board, and the location of liquor stores shall not be adjacent to schools or churches or in a neighborhood which is exclusively residential. Neither the board nor any state store operated by it shall in any manner advertise its wares for sale.

“(6) To appoint, subject to the provisions of the merit system, every officer, agent, inspector, investigator and employee, in accordance with the qualifications specifically set out in this chapter, required for the operation of the business of said board, commission such agents, inspectors or investigators as necessary to make arrests and execute search warrants and have the same authority as designated to peace officers as now authorized by law, assign all employees their official positions and titles, define their respective duties and powers, require them or any of them to give bonds payable to the state in such penalty as shall be fixed by the board and engage the services of experts and persons engaged in the practice of a profession.

“(7) To control the manufacture, possession, sale, consumption, importation, use and delivery of liquor, alcohol and malt and brewed beverages in accordance with the provisions of this chapter and to fix the wholesale and retail prices at which liquor shall be sold at Alabama liquor stores. The board shall require each Alabama manufacturer and each nonresident manufacturer of distilled liquors selling distilled liquors to the board to make application for and be granted a permit by the board before distilled liquors shall be purchased from such manufacturer. The board before issuing such permit shall collect from each applicant a permit fee of \$15.00, which sum shall be paid annually thereafter on application. In the event that any such manufacturer shall, in the opinion of the board, sell distilled liquors to the board through another person for the purpose of evading this provision relating to permits, the board shall require such person before purchasing distilled liquors from him or it to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer. All permit fees so collected shall be paid into the state stores fund.

“(8) To grant, issue and suspend or revoke for cause liquor licenses and alcohol permits as provided in this chapter.

“(9) To grant, issue and suspend or revoke for cause malt or brewed and vinous beverages licenses as provided in this chapter.

“(10) To lease and furnish and equip such buildings, rooms and other accommodations as shall be required for the operation of this chapter. To determine the nature, form and capacity of all packages to be used for containing liquor, alcohol or malt or brewed beverages to be kept or sold under this chapter and to prescribe the form and contents of all labels and seals to be placed thereon.

“(11) To purchase from time to time the necessary stamps, crowns or lids, in a quantity sufficient for a period not to exceed six months, for identifying each article sold or distributed by or through the said state liquor stores. All liquors, vinous beverages and alcohol sold or distributed by the board or any licensee of said board shall be stamped or endorsed in such characteristic way or manner to be determined by the board as shall clearly indicate that it has been dispensed by the board, and all such liquors, vinous beverages or alcohol not containing such label shall be contraband and subject to forfeiture as other contraband liquors.

“(12) To require all wholesalers who make sales of alcoholic beverages of any kind as defined in this chapter to any state store to forward, when the shipments of such alcoholic beverages are made, to the board an invoice setting out the quantities of beverages purchased, and the price quotation showing at what price such beverages were sold and such invoice and quotation to be placed on record in the records of the alcoholic beverage control board of the state of Alabama and to be held for a period of not less than 18 months.

“(b) The alcoholic beverage control board shall be subject to regular examinations by the examiners of public accounts the same as all other state agencies.”

“§28-8-8.

“(a) Unlawful acts and offenses.—It shall be unlawful:

“(1) For any manufacturer or importer licensed by the board to sell its brand or brands of alcoholic beverages in the state of Alabama to any person, except through the board in the case of spirituous and vinous liquor ~~and~~ wine, other than to a licensed wholesaler designated as the exclusive wholesaler for said brand or brands.

“(2) For any wholesaler to sell to a retail licensee any brand of alcoholic beverages in the state of Alabama, except in the sales territory designated by the manufacturer or importer licensee and set forth in a written territorial agreement authorizing the sale by such wholesaler licensee of that brand within a designated territory; provided, however, a licensed wholesaler may, with the approval of the board, service a territory outside the territory designated to it during periods of temporary service interruptions when so requested by the manufacturer or importer and the designated wholesaler within such territory whose service is temporarily interrupted.

“(3) For any wholesaler to sell to a retail licensee any brand of alcoholic beverages in the state of Alabama unless there is in effect a territorial agreement in writing between the licensed manufacturer or importer thereof and said licensed wholesaler authorizing the sale by such wholesaler of that brand within a designated territory.

“(4) For any licensed retailer to purchase any brand of alcoholic beverages from any wholesaler which has not been designated by the licensed manufacturer or importer thereof as the wholesaler for such brand for the sales territory within which the retailer's place of business is located.

“(b) Penalties.—Any violations of the provisions of this chapter subject the licensee to suspension or revocation of its license or to the levy of a fine in lieu of such suspension or revocation as set forth in section 28-3A-24.”

Section 2. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 38; Nays 24.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Clay, Colvin, Escott, Ford, Goodwin, Grouby, Higginbotham, Holmes, Kennedy, Laird, Lindsey, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton (C), Newton (D), Perdue, Rogers, Seibels, Slaughter, Spratt, Turner, White (G) and Zoghby.

—38

Nays:

Reps. Beasley, Blakeney, Breedlove, Britnell, Burke, Carothers, Curry, Dillard, Drake, Freeman, Gray, Hall, Hamilton, Headley, Holley, Johnson (RG), Layson, Payne, Poole, Sanderford, Venable, Warren, White (F) and White (L).

—24

And the bill, H. 901 as amended, was read a third time at length and lost.

Yeas 28; Nays 34.

Yeas:

Mr. Speaker, Black, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Clay, Escott, Ford, Goodwin, Grouby, Harper, Holmes, Kennedy, McClain, McDowell, Melton, Moon, Newton (D), Perdue, Seibels, Slaughter, Spratt, Starkey, Thomas and White (G).

—28

Nays:

Reps. Beasley, Beers, Blakeney, Breedlove, Britnell, Brooks, Burke, Carothers, Curry, Dillard, Drake, Frazier, Gaston, Gray, Hamilton, Harvey, Haynes, Headley, Hogan, Holley, Johnson (RG), Kvalheim, Laird, Layson, Logan, Mathis, Payne, Rains, Sanderford, Turner, Venable, Warren, White (F) and White (L).

—34

And the bill:

S. 22. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of “employee” under the state employees’ health

insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

Was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Clark (W), Clay, Colvin, Curry, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Starkey, Turner, Venable, Warren, White (G), White (L), Willis and Wright.

—62

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Ford, the rules were suspended in order to take up out of order the bill, S. 114.

And the bill:

S. 114. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

Was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Brooks, Buskey (JE), Buskey (JL), Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Sanderford, Seibels, Spratt, Starkey, Turner, Venable, Warren, White (G), White (L), Willis and Zoghby.

—68

SPECIAL ORDER RESUMED

H. 791 TEMPORARILY CARRIED OVER

On motion of Rep. Bryant, the bill, H. 791, was temporarily carried over.

And the bill:

H. 358. (With Substitute) (With Amendment): Relating to real estate appraisers; providing for the licensing and certification of real estate appraisers, creating and establishing the real estate appraiser's board of directors; providing for the membership of such board and for the compensation, powers and duties of its members; providing definitions that will apply to the act; providing for the licensing and certification of real estate appraisers and for the renewal, suspension and revocation thereof; prescribing fees that may be set and regulated by such board; prescribing penalties for enforcement of this act and prescribing various procedures and regulations for the administration of the provisions of this act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Banking, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to real estate appraisers; providing for the licensing and certification of real estate appraisers, creating and establishing the real estate appraiser's board of directors; providing for the membership of such board and for the compensation, powers and duties of its members; providing definitions that will apply to the act; providing for the licensing and certification of real estate appraisers and for the renewal, suspension and revocation thereof; providing for the Real Estate Appraiser's Board Fund in the state treasury; providing for deposits into and disbursements from such fund; providing for an appropriation from such fund to the Real Estate Appraiser's Board for the 1988-89 fiscal year and the 1989-90 fiscal year; prescribing fees that may be set and regulated by such board; prescribing penalties for enforcement of this act and prescribing various procedures and regulations for the administration of the provisions of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Short Title. This act shall be known and may be cited as the "Alabama Real Estate Appraisers Act."

Section 2. Definitions. The following terms as used in this act shall have the following meanings:

(1) "Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

(2) "Appraisal Foundation" means the Appraisal Foundation incorporated as an Illinois Not for Profit Corporation on November 30, 1987. The purposes of the Appraisal Foundation are:

(a) To establish and improve uniform appraisal standards by defining, issuing and promoting such standards;

(b) To establish appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing and promoting such qualification criteria; to disseminate such qualification criteria to states, governmental entities and others; and

(c) To develop or assist in the development of appropriate examinations for qualified appraisers.

(3) "Appraisal report" means any communication, written or oral, of an appraisal.

(4) "Board" means the state of Alabama Real Estate Appraisal Board established pursuant to the provisions of this act.

(5) "Certified appraisal or certified appraisal report" means an appraisal or appraisal report given or signed and certified as such by a state certified real estate appraiser. When identifying an appraisal or appraisal report as "certified", the state certified real estate appraiser must indicate which type of certification is held. A certified appraisal or appraisal report represents to the public that it meets the appraisal standards defined in this act.

(6) "Executive Director" means the chief administrative employee of the board.

(7) A "licensed real estate appraiser" means an individual who develops and communicates appraisals not claimed to be "certified appraisal" and who holds a current, valid license issued to him or her under the provisions of this act.

(8) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(9) "Real property" means one or more defined interests, benefits, and rights inherent in the ownership or real estate.

(10) A "state certified real estate appraiser" means an individual who develops and communicates real estate appraisals and who holds a current, valid certificate issued to him or her for either general or residential real estate under the provisions of this act.

Section 3. Licensure and Certification.

(a) It shall be unlawful for any person, partnership or corporation, for a fee or other valuable consideration, or with the intention or expectation of receiving or collecting a fee or valuable consideration from another, to do any of the following unless he or she is licensed under this act:

(1) to be employed to perform an appraisal assignment or specialized services as defined in Section 27 of this act where the subject property of the assignment lies within the borders of the state of Alabama.

(2) analyze or evaluate any rights of real estate ownership resulting in a professional estimate to be relied on by clients or other members of the public.

(3) present himself or to be presented as being able to perform an act for which a license is required under this act.

(b) It shall be unlawful for a person, other than a state certified real estate appraiser, to assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate

appraiser by this state. It shall be unlawful for a person who is not certified pursuant to this act to describe or refer to any appraisal or other evaluation of real estate located in this state by the term "certified."

(1) A licensed real estate appraiser not certified as a state certified appraiser under this act, shall include the following statement in the "certifications of the appraiser" section of each appraisal or specialized service report: "This assignment was made subject to regulations of the state of Alabama Real Estate Appraisers Board. The undersigned, while licensed, has not met the additional voluntary requirements for "state certified appraiser" status. This assignment is not to be regarded as a "certified appraisal."

(2) A licensed real estate appraiser who is certified as a state certified appraiser under this act, shall include the following statement in the "certifications of the appraiser" section of each appraisal or specialized service report: "This assignment was made subject to regulations of the state of Alabama Real Estate Appraisers Board. The undersigned state certified appraiser has met the requirements of the board that allow this report to be regarded as a "certified appraisal."

(c) This act shall not preclude a person who is not a licensed real estate appraiser or certified as a state certified real estate appraiser from performing real estate market analysis, without fee or obligation for compensation in that person's capacity as a licensed real estate broker or salesperson under Title 34 of the Code of Alabama 1975. This act shall not apply to, or preclude, any employee, officer, director, partner, or similar person making a valuation, analysis or other appraisal for his or her employer or principal for which no fee or other valuable consideration is expressly charged as a direct charge to a third party.

(d) Any person violating the provisions of this section shall, upon conviction thereof, be guilty of a Class A misdemeanor and shall be punished as prescribed by law.

Section 4. Actions for Collection of Compensation. No person engaged in the business of or acting in the capacity of a real estate appraiser shall bring or maintain any action in the courts of this state for the collection of compensation for any services performed as a real estate appraiser without first alleging and proving that he was a duly licensed or state certified real estate appraiser at the time the alleged cause of action arose.

Section 5. Real Estate Appraiser Board. There is hereby established the Alabama Real Estate Appraiser's Board which shall consist of nine (9) members, two (2) of whom shall be qualified individuals from the general public and seven (7) of whom shall be real estate appraisers; two of said nine board members shall be of a minority race. The Governor shall appoint the members of the Real Estate Appraiser's Board. One appraiser member shall be appointed from each United States congressional district in this state. The real estate appraiser members first appointed to such board shall be designated members in good standing of a nationally recognized real estate appraisal organization that as of June 1, 1987, held membership in the Appraisal Foundation. Each real estate appraiser member of such board appointed after January 1, 1991, must be a state certified real estate appraiser. A majority of the appraiser members of such board shall hold the general appraisal certificate. The term of each board member shall be three years; except that, of the members first appointed, two shall serve two years and two shall serve for one year. Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification

of their successors. No person shall serve as a member of the board for more than two consecutive terms. The appointing authority may remove a board member for cause. The public members of the board shall not be engaged in the practice of real estate appraising. Public members shall demonstrate a high degree of knowledge of the role of real estate appraisals in real estate transactions. The board shall meet at least once each calendar quarter to conduct its business. Places of future meetings shall be decided by the vote of members at meetings. Written notice shall be given to each member of the time and place of each meeting of the board at least 10 days before the scheduled date of the meetings. The members of the board shall elect a chairperson from among the members to preside at board meetings. A quorum of the board shall consist of five (5) board members with at least four (4) of such members being appraiser members. Each member of the board shall be entitled to a per diem allowance on board meeting days as authorized by the board, not to exceed the current per diem allowance for state employees.

Section 6. Powers and Immunities of the Board.

(a) The board shall act by a majority vote of its members to adopt administrative rules and regulations as shall be necessary, from time to time, to carry out the provisions of this act. Such rules and regulations shall be adopted in compliance with the state administrative procedures statutes.

(b) The board shall have the following powers and duties:

(1) to receive applications for licensed real estate appraiser and state certification status;

(2) to establish the administrative procedures for processing applications for licensed real estate appraiser and state certification status;

(3) to maintain a registry of the names and addresses of people licensed and certified under this act;

(4) to retain records and all application materials submitted to it;

(5) to further define by regulation and with respect to each category of licensed real estate appraiser and state certified real estate appraiser, the type of education experience, appraisal experience, and equivalent experience that will meet the statutory requirements of this act;

(6) to establish the examination specifications for each category of state certified real estate appraiser, to provide or procure appropriate examination questions and answers, and to establish procedures for grading examinations;

(7) to approve or disapprove applications for license and certification and issue licenses and certificates;

(8) to further define by regulation and with respect to each category of licensed real estate appraiser and state certified real estate appraiser, the continuing education requirements for the renewal of certification that will meet the statutory requirements provided in this act;

(9) to review and adopt from time to time the standards for the development and communication of real estate appraisals provided in this act, that are generally accepted within the appraisal profession and conform to the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation, and to adopt regulations explaining and interpreting the standards;

(10) to establish administrative procedures for disciplinary proceedings conducted pursuant to the provisions of this act;

(11) to censure, suspend and revoke licenses and certificates pursuant to the disciplinary proceedings provided for in Section 23 of this act; and

(12) to employ an executive director who shall be exempted from the classified service under the general laws of the state, and such other staff members, consultants or service contractors as are necessary to discharge the boards duties and administer this chapter. The board shall determine the duties and fix the compensation of the executive director, other staff members, consultants or service contractors.

(13) to perform such other functions and duties as may be necessary in carrying out the provisions of this act.

(c) The members of the board shall be immune from and civil action or criminal prosecution for initiating or assisting in any lawful investigation of the actions of, or any disciplinary proceeding concerning, a licensed or certified real estate appraiser pursuant to this act, provided that such action is taken without malicious intent and in the reasonable belief that the action taken was pursuant to the powers and duties vested in the members of the board under this act.

Section 7. Fees.

(a) The board shall have the authority to set and regulate fees necessary for its operation as a self sustaining board.

(1) The initial fees charged by the board shall not exceed the amounts indicated below:

a. License application fee: \$125.00.

b. Certification application an additional \$125.00

c. Examination fee: \$150.00.

d. Licensed appraiser annual license fee: \$125.00.

e. Certified appraiser license an additional \$50.00.

f. Delinquent license fee for licensed appraisers \$175.00.

g. Delinquent license fee for licensed certified appraisers an additional \$100.00.

Whenever the words "an additional" are used, it means in addition to the licensed appraiser's fee.

(2) The board shall have the authority to amend these fees, from time to time, to provide for a self sustaining operation.

(b) All fees shall be paid into the board's operating account for the purpose of carrying out the provisions of this act. Each expense of the board in the amount of \$500.00 and more shall be subject to the approval of a majority of the board.

Section 8. License Process.

(a) Applications for original license, renewal license and examinations shall be made in writing to the board on forms approved by the board.

(b) Appropriate fees, as fixed by the board pursuant to Section 7 of this act, must accompany all applications for original license, renewal license and examination.

(c) At the time of filing an application for license, each applicant shall sign a pledge to comply with the standards set forth in this act and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated against a licensed real estate appraiser, as set forth in this act.

(d) A license for licensed real estate appraiser shall be issued only to, and held only by a person:

(1) who is trustworthy and competent to transact the business of an appraiser in a manner that safeguards the interests of the public;

(2) Whose application or license has not been rejected or revoked in any state within two years prior to date of application on any grounds other than failure to pass a written examination;

(3) whose membership in a nationally recognized appraisal organization which is a member of the Appraisal Foundation has not been revoked under ethics procedures of said appraisal organization;

(4) who on applying for a license before October 1, 1990, provides evidence to the board of possessing basic appraisal skills by one of the following options:

a. holding a valid license as a real estate salesman or broker under the laws of the state of Alabama at the time of application for an appraisal license.

b. for 24 months prior to application for an appraisal license, having continuously operated a business within the state of Alabama, as a real estate appraiser or review appraiser or having been employed as a permanent employee, by a company, lending institution or governmental agency located within the state of Alabama, that appraises real estate or reviews real estate appraisals.

(5) who on applying for a license after October 1, 1990, provides evidence of having passed within 24 months prior to application, a Standards of Professional Practice Course presented by an approved institution or appraisal organization and who can demonstrate basic appraisal skills by achieving a passing grade on the test requirements of Section 11.

(6) who is at least 19 years old and has a high school diploma or equivalent;

(7) who is a citizen of the United States or is an alien with permanent resident status;

(8) who if a non-resident agrees to sign an affidavit stating the following and in the following form:

"I, as a non-resident applicant for an appraisal license and as a licensee, agree that the state of Alabama, Real Estate Appraisers Board shall have jurisdiction over me in any and all of my real estate related activities the same as if I were an Alabama resident licensee. I agree to be subject to investigations and disciplinary actions the same as Alabama resident licenses. Further I agree that civil actions may be commenced against me in any court of competent jurisdiction in any county of the state of Alabama.

**REGULAR SESSION
24th Day**

2477

"I hereby appoint the Executive Director of the state of Alabama Real Estate Appraisers Board as my agent upon whom all disciplinary, judicial, or other process or legal notices may be served. I agree that such service upon my said agent shall be the same as service upon me and that certified copies of this appointment shall be deemed sufficient evidence thereof and shall be admitted into evidence with the same force and effect as the original might be admitted. I agree that any lawful process against me which is served upon my said agent shall be of the same legal force and validity as if personally served upon me and that this appointment shall continue in effect for as long as I have any liability remaining in the state of Alabama. I understand that my said agent shall, within a reasonable time after service upon him or her, mail a copy of same by certified mail, return receipt requested, to me, at my last known business address.

"I agree that I am bound by all the provisions of the state of Alabama Real Estate Appraisers law.

Legal Signature of Applicant"

Section 9. Certification Process.

(a) Applications for original certification, renewal certification and examinations shall be made in writing to the board on forms approved by the board.

(b) Appropriate fees, as fixed by the commission pursuant to Section 1 of this act, must accompany all applications for original certification, renewal certification and examination.

(c) At the time of filing an application for certification, each applicant shall sign a pledge to comply with the standards set forth in this act and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated against a state certified real estate appraiser, as set forth in this act.

Section 10. Classes of Certification.

(a) There shall be two classes of voluntary certification for state certified real estate appraisers as individuals:

(1) The state certified residential real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of residential real property of one to four units, and up to twelve units when a net income capitalization analysis is not required by the terms of the assignment.

(2) The state certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of all types of real property.

(b) The application for original certification, renewal certification and examination shall specify the classification of certification being applied for and previously granted.

Section 11. Examination Requirement.

(a) An original license as a licensed real estate appraiser shall not be issued to any person except as provided for in Section 8(d)(4), who has not

demonstrated through a written examination process that he or she possesses the following:

(1) Basic knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate;

(2) Basic understanding of the principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines;

(3) Basic understanding of the standards for the development and communication of real estate appraisals as provided in this act;

(4) Basic knowledge of theories of depreciation, cost estimating, and the mathematics of real estate appraisal that are appropriate for non-certified appraisal assignments;

(5) Knowledge of other principles and procedures as may be appropriate for non-certified appraisal assignments;

(6) Basic understanding of real estate law; and

(7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a licensed real estate appraiser, as set forth in this act.

(b) An original certification as a state certified real estate appraiser shall not be issued to any person who has not demonstrated through a written examination process that he or she possesses the following:

(1) Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate;

(2) Advanced understanding of the principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing data in carrying out appraisal disciplines;

(3) Advanced understanding of the standards for the development and communication of real estate appraisals as provided in this act;

(4) Advanced knowledge of theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the classification of certificate applied for;

(5) Advanced knowledge of other principles and procedures as may be appropriate for the respective classifications;

(6) Basic understanding of real estate law; and

(7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a state certified real estate appraiser, as set forth in this act.

Section 12. Examination Prerequisites; Certified Appraisers.

(a) General Classification—As a prerequisite to taking the examination for certification as a state certified general real estate appraiser, an applicant shall present evidence satisfactory to the board that he or she has a college

degree and 60 hours of appraisal related courses, which may include college credit hours; or has successfully completed not less than 150 classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university approved by the board, plus 15 classroom hours related to standards of professional practice and the provisions of this act.

(b) Residential Classification—As a prerequisite to taking the examination for certification as a state certified residential real estate appraiser, an applicant shall present evidence satisfactory to the board that he or she has a college degree and 40 hours of appraisal related courses which may include college credit hours; or has successfully completed not less than 60 classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university approved by the board, plus 15 classrooms hours related to standards of professional practice and the provisions of this act.

(c) The Appraisal Foundation may assist, from time to time, in development of additional criteria and qualifications for appraiser classification.

Section 13. Experience Requirement; Certified Appraisers.

(a) An original certificate as a state certified real estate appraiser shall not be issued to any person who does not possess two years of experience in real property appraisal supported by adequate written reports, file memoranda or other evidence satisfactory to the board.

(b) Each applicant for certification shall furnish, under oath, a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the board for examination, a sample of appraisal reports which the applicant has prepared in the course of his or her appraisal practice.

Section 14. Term of License and Certification.

(a) The terms of a license or certificate issued under the authority of this act shall be three years from the date of issuance. The expiration date shall appear on the license or certificate and no other notice of its expiration need be given to its holder.

(b) License fees payable under Section 7, shall be payable on a yearly basis during the term of license or certification.

Section 15. Nonresident License and Certification.

(a) Every applicant for license or certification under this act, who is not a resident of this state, shall submit with the application, an irrevocable consent that service of process upon him or her may be made by delivery of the process to the executive director of the board as provided in Section 8(d)(6) of this act, if, in an action against the applicant in a court of this state arising out of the applicant's activities as a licensed real estate appraiser or state certified real estate appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.

(b) a nonresident of this state who has complied with the provisions of subdivision (a) of this section may obtain a certificate as a state certified real estate appraiser by conforming to all of the provisions of this act relating to state certified real estate appraisers.

Section 16. Nonresident Certification by Reciprocity. If, in the determination by the board, another state is deemed to have substantially equivalent certification requirements, an applicant who is certified under the laws of such other state may obtain a certificate as a state certified real estate appraiser in this state upon such terms and conditions as may be determined by the board.

Section 17. Renewal Licenses and Certificates.

(a)(1) To obtain a renewal license for real estate appraisal or certificate as a state certified real estate appraiser, the holder of a current, valid license or certificate shall make application and pay the prescribed fee to the board not earlier than 120 days nor later than 30 days prior to the expiration date of the license or certificate then held. With the application for renewal, the licensed real estate appraiser or state certified real estate appraiser shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in this act.

(2) If the board determined that an applicant has failed to meet the requirements for renewal of license or certification through mistake, misunderstanding, or circumstances beyond the control of the applicant, the board may extend the term of the certificate for a period not to exceed six months, upon payment by the applicant of a prescribed fee for the extension.

(3) If the applicant satisfies the requirements for renewal during the extended term of license of certification, the beginning date of the new renewal license or certificate shall be the day following the expiration of the license or certificate previously held by the applicant.

(b) If a person fails to renew a license for real estate appraisal or certificate as a state certified real estate appraiser prior to its expiration or within a period of extension granted by the board pursuant to this act, the person may obtain a renewal license or certificate by satisfying all of the requirements for renewal and by the payment of a late renewal fee.

Section 18. Basis for Denial.

(a) The board may, in accordance with the provisions of this act relating to the hearings, deny the issuance of a license for real estate appraisal or certificate as a state certified real estate appraiser to an applicant on any grounds enumerated in this act.

(b) To assist in determining whether grounds exist to deny the issuance of license or certification to an applicant, the board may require the fingerprinting of every applicant for an original license or certificate.

Section 19. Principal Place of Business.

(a) Each licensed real estate appraiser or state certified real estate appraiser shall advise the board of the address of his or her principal place of business and all other addresses at which he or she is currently engaged in the business of preparing real property appraisal reports.

(b) Whenever a licensed real estate appraiser or state certified real estate appraiser changes a place of business, he or she shall immediately give written notification of the change to the board and apply for an amended license or certificate.

(c) Every licensed real estate appraiser or state certified real estate appraiser shall notify the board of his or her current resident address.

Residence addresses on file with the board are exempt from disclosure as public records.

Section 20. License and Certificate.

(a) A license or certificate issued under authority of this act shall bear the signatures or facsimile signatures of the members of the board and a license or certificate number assigned by the board.

(b) Each state certified real estate appraiser shall place his or her certificate number adjacent to or immediately below the title "State Certified Residential Real Estate Appraiser" or "State Certified General Real Estate Appraiser" when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities.

Section 21. Use of Term.

(a) The term "state certified real estate appraiser" may only be used to refer to individuals who hold the certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group; or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the certificate.

(b) No "state certified real estate appraiser" certificate shall be issued under the provisions of this act to a corporation, partnership, firm or group. This shall not be construed to prevent a state certified real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group practice licensed to appraise real estate under the provisions of this act.

(c) Authority to transact business as a licensed real estate appraiser shall be restricted to the person named in such license and shall not inure to the benefit of any other person.

Section 22. Continuing Education.

(a) As a prerequisite to renewal of license to appraise real estate, the licensed real estate appraiser, principal or management level employee of a corporation, partnership, firm or group practice licensed under this act, shall present evidence satisfactory to the board of having met the continuing education requirements of this act.

(b) As a prerequisite to renewal of certification, a state certified real estate appraiser shall present evidence satisfactory to the board of having met the education requirements of this act.

(c) The basic continuing education requirement for renewal of license or certification shall be the completion by the applicant, during the immediately preceding term of license or certification, of not less than 30 classroom hours of instruction in courses or seminars which have received the approval of the board. At least 7 hours of the above required classroom instruction hours, within each two consecutive license periods, are to have as their subject, "Standards of Professional Practice."

(d) In lieu of meeting the requirements of subdivision (b) an applicant for renewal may satisfy all or part of the requirements by presenting evidence of the following:

1. Completion of an educational program of study determined by the board to be equivalent, for continuing education purposes, to courses approved by the board pursuant to subdivision (b); or

2. Participation other than as a student in educational processes and programs approved by the board which relate to real property appraisal theory, practices or techniques, including, but not necessarily limited to, teaching, program development and preparation of textbooks, monographs, articles, and other instructional materials.

(e) The board shall adopt regulations for implementation of the provisions of this article to the end of assuring that persons renewing their licenses or certifications as state certified real estate appraisers have current knowledge of real property appraisal theories, practices, and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of this act. The regulations shall prescribe the following:

1. Policies and procedures for obtaining board approval of courses of instruction pursuant to subdivision (b);

2. Standards, policies, and procedures to be applied by the board in evaluating applicant's claims of equivalency in accordance with subdivision (c);

3. Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to board approval of courses for credit.

(f) In adopting regulations pursuant to Subpart 1 of paragraph (e), the board shall give favorable consideration to courses of instruction, seminars, and other real property appraisal educational courses or programs previously of hereafter developed by or under the auspices of professional appraisal organizations and utilized by those associations for purposes of designation, or indicating compliance with the continuing education requirements of such organizations.

(g) No amendment or repeal of a regulation adopted by the board pursuant to this section shall operate to deprive a licensed real estate appraiser or a state certified real estate appraiser of credit toward renewal of license or certification for any course of instruction completed by the applicant prior to the amendment or repeal of the regulation which would have qualified for continuing education credit under the regulation as it existed prior to the repeal or amendment.

(h) On or after October 1, 1990, a license to appraise real estate or certification as a state certified real estate appraiser that has been revoked as a result of disciplinary action by the board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required by this act. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for state certified real estate appraiser as a condition to reinstatement of certification.

Section 23. Disciplinary Proceedings.

(a) The rights of any holder under a license to appraise real estate or certificate as a state certified real estate appraiser may be revoked or suspended, or the holder of the license or certificate may be otherwise disciplined in accordance with the provisions of this act, upon any of the grounds set forth in this section. The board may investigate the actions of a licensed real estate appraiser or state certified real estate appraiser, and may revoke or suspend the rights held by said license or certificate or otherwise fine or

discipline a licensed real estate appraiser or state certified real estate appraiser for any of the following acts or omissions:

1. Procuring or attempting to procure a license or certificate pursuant to this act by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for license or certification or through any form of fraud of misrepresentation;

2. Failing to meet the minimum qualifications established by this act;

3. Paying money other than provided for by this act to any member or employee of the board to procure a certificate under this act;

4. A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a crime which is substantially related to the qualifications, functions, and duties of a person developing real estate appraisals and communicating real estate appraisals and communicating real estate appraisals to others;

5. An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person;

6. Violation of any of the standards for the development or communication of real estate appraisals as provided in this section.

7. Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

8. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

9. Willfully disregarding or violating any of the provisions of this act or the regulations of the board for the administration and enforcement of the provisions of this act;

10. Accepting an appraisal assignment, as defined in Section 27 of this act, when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusions, or valuation reached, or upon the consequences resulting from the appraisal assignment;

11. Violating the confidential nature of governmental records to which he or she gained access through employment or engagement as an appraiser by a governmental agency; or

12. Entry of a final civil judgement against the person on grounds of fraud, misrepresentation or deceit in the making of any appraisal of real property.

13. Presenting to the board, as payment for a fee, of fine, a check that is returned unpaid.

14. Failing to keep for at least three (3) years, a complete record or file of appraisal or specialized assignments regulated under this act.

15. Failing within a reasonable time to provide information requested by the board during an investigation or after a formal complaint has been filed.

(16) Failing to pay by required deadlines, fees or fines levied by the board.

(b) In a disciplinary proceeding based upon a civil judgement, the licensed real estate appraiser or state certified real estate appraiser shall be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgement.

Section 24. Due Process.

(a) Before suspending or revoking any license or certification, the board shall notify the appraiser in writing of any charges made at least twenty days prior to the date set for the hearing and shall afford him or her an opportunity to be heard in person or by counsel.

(b) The written notice may be served either personally or sent by registered or certified mail to the last known business address of the appraiser.

(c) The board shall have the power to subpoena and issue subpoenas duces tecum and to bring before it any person in this state, and to take testimony by deposition, in the same manner as prescribed by law in judicial proceedings in the courts of this state.

Section 25. Hearing and Judicial Review.

(a) The hearing on the charges shall be at a time and place prescribed by the board and in accordance with the provisions of this act.

(b) If the board determines that a licensed real estate appraiser or state certified appraiser is guilty of a violation of any of the provisions of this act, it shall prepare a finding of fact and recommend that the appraiser be reprimanded or that his or her license or certification be suspended or revoked. The decision and order of the board shall be final.

(c) Any final decision or order of the board shall be reviewable by a court of appropriate jurisdiction as to questions of law only. Any application for review made by an aggrieved party shall be filed within thirty days after the final decision or order of the board.

(d) If an application for review of a final decision or order of the board is filed, the case shall be fixed for trial within thirty days from the filing of an answer by the board. If the court finds that the board has regularly pursued its authority and has not acted arbitrarily, it shall confirm the decision or order.

Section 26. Standards of Practice. A licensed real estate appraiser or state certified real estate appraiser must comply, from time to time, with the current Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation and approved by the board.

Section 27. Classification of Services.

(a) A client or employer may retain or employ a licensed real estate appraiser or state certified real estate appraiser to act as a disinterested third party in rendering an unbiased estimate of value or analysis. A client or employer may also retain or employ a licensed real estate appraiser or state certified real estate appraiser to provide specialized services to facilitate the client's or employer's objectives. In either case, the appraisal and the appraisal report must comply with the provisions of this act.

(b) For the purposes of this act, the term "appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by the third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate.

(c) For the purposes of this act the term "specialized services" means those appraisal services which do not fall within the definition of appraisal assignment. The term "specialized services" may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not "specialized services."

Section 28. Contingent Fees.

(a) A licensed real estate appraiser or state certified real estate appraiser may not accept a fee for an appraisal assignment, as defined in Section 27 of this act, that is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion or is contingent upon the opinion or valuation reached, or upon the consequences resulting from the appraisal assignment.

(b) A licensed real estate appraiser or state certified real estate appraiser who enters into an agreement to perform specialized services, as defined in Section 27 of this act, may be paid a fixed fee or a fee that is contingent on the results achieved by the specialized services.

(c) If a licensed real estate appraiser or state certified real estate appraiser enters into an agreement to perform specialized services for a contingent fee, this fact shall be clearly stated in each written and oral report. In each written report, this fact shall be clearly stated in a prominent location in such report and also in each letter of transmittal and in the certification statement made by the appraiser in such report.

Section 29. Retention of Records.

(a) A licensed real estate appraiser or state certified real estate appraiser shall retain for three years, originals or true copies of all written contracts engaging his or her services for real property appraisal work, and all reports and supporting data assembled and formulated by the appraiser in preparing the reports. This three-year period for retention of records is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within such three-year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the three-year period for the retention of records shall commence upon the date of the final disposition of such litigation.

(b) All records required to be maintained under the provisions of this act shall be made available by the state certified real estate appraiser for inspection and copying by the board on reasonable notice to the appraiser.

Section 30. Deposit and Disbursement of Funds. There is hereby established a separate special revenue trust fund in the state treasury to be known as the Alabama Real Estate Appraiser's Board Fund. All receipts collected by the board under the provisions of this act are to be deposited in this fund and used only to carry out the provisions of this act. Such

receipts shall be disbursed only by warrant of the state comptroller upon the state treasurer, upon itemized vouchers approved by the chairman of the board; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12 of the Code of Alabama 1975, as amended, and only in amounts as stipulated in the general appropriations bill or other appropriation bills.

Section 31. There is hereby appropriated from the Alabama Real Estate Appraiser's Board Fund to the Alabama Real Estate Appraiser's Board, for the fiscal year ending September 30, 1989, the sum of \$100,000. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama Real Estate Appraiser's Board.

Section 32. There is hereby appropriated from the Alabama Real Estate Appraiser's Board Fund to the Alabama Real Estate Appraiser's Board, for the fiscal year ending September 30, 1990, the sum of \$180,000. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama Real Estate Appraiser's Board.

Section 33. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 34. All laws or parts of laws which conflict with this act are hereby repealed.

Section 35. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 358 TEMPORARILY CARRIED OVER

On motion of Rep. Holley, the bill, H. 358, and pending substitute and amendment, were temporarily carried over.

And the bill:

S. 402. To amend Sections 13A-8-80, 13A-8-81, 13A-8-82, 13A-8-83, 13A-8-84 and 13A-8-86, Code of Alabama 1975, which prohibit the copying and sale of certain recorded devices, so as to further prohibit such copying and sales and to increase the penalties for violations.

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Clay, Crow, Curry, Escott, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Sanderford, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (G), Willis and Wright.

—69

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Mathis to suspend the rules in order to take up out of order the bill, H. 47, was lost.

REGULAR SESSION
24th Day

2487

Yeas 25; Nays 37.

Yeas:

Reps. Beasley, Black, Blake, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Escott, Grayson, Grouby, Hogan, Holmes, Kennedy, Mathis, McClain, McDowell, Newman, Newton (C), Newton (D), Perdue, Rogers, Spratt, Starkey and Williams.

—25

Nays:

Reps. Adams, Blakeney, Box, Britnell, Brooks, Butler, Campbell, Clay, Curry, Flowers, Gaston, Gray, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Holley, Johnson (RW), Kvalheim, Layson, Marks, McKee, McMillan, Moon, Parker, Penry, Petelos, Richardson, Sanderford, Seibels, Turnham, Venable, White (L) and Wright.

—37

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 341. DESIGNATING A PORTION OF HIGHWAY 76 AS THE "DESOTO CAVERNS PARKWAY."

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Rep. Parker that the House adjourn until 1:00 o'clock p.m., Tuesday, May 2, 1989, was lost.

Yeas 29; Nays 41.

Yeas:

Reps. Black, Box, Breedlove, Bryant, Buskey (JL), Carothers, Clay, Colvin, Crow, Dillard, Frazier, Freeman, Grayson, Hall, Haynes, Headley, Hogan, Holmes, Laird, Layson, Marks, McKee, Parker, Rains, Seibels, Spratt, Thomas, Willis and Wright.

—29

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Britnell, Brooks, Bugg, Burke, Butler, Campbell, Curry, Escott, Gaston, Gray, Hamilton, Hammett, Harvey, Higginbotham, Hill, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marietta, Mathis, McMillan, Newman, Newton (C),

Newton (D), Payne, Penry, Richardson, Slaughter, Starkey, Turner, Venable, White (G) and Zoghby.

—41

SPECIAL ORDER RESUMED

And the bill:

S. 259. To amend Section 32-5-222, Code of Alabama 1975, as amended, relating to child passenger restraints in motor vehicles, so as to provide further therefor.

Was taken up.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, S. 259:

Amend S. B. 259 on page 1, Section 1, line 29 by (adding) after the word(s) "safety standards" the following:

Provided that, with respect to a child who is either 4 or 5 years of age, the term "child passenger restraint system meeting applicable federal motor vehicle safety standards" shall be deemed to include seat belts installed by the motor vehicle manufacturer, dealer or owner.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Crow, Dillard, Escott, Frazier, Freeman, Gaston, Gray, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, McKee, McMillan, Moon, Newman, Newton (D), Parker, Payne, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Turner, Turnham, Venable, Warren, White (G), White (L), Wright and Zoghby.

—63

Nay: Rep. Blake.

—1

And the bill, S. 259 as thus amended, was read a third time at length and passed.

Yeas 57; Nays 14.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Curry, Dillard, Escott, Freeman, Gaston, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, McKee, McMillan, Moon, Newman,

Newton (D), Parker, Penry, Petelos, Richardson, Seibels, Slaughter, Spratt, Turner, Turnham, Venable, White (G), White (L), Wright and Zoghby.

—57

Nays:

Reps. Black, Blake, Blakeney, Clay, Crow, Ford, Frazier, Grayson, Holley, Johnson (RW), Payne, Poole, Sanderford and Warren.

—14

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11.

By Rep. Flowers:

H. R. 473. HONORING OUR COLLEAGUE, ALLEN LAYSON OF REFORM, AND DESIGNATING HIM AS THE MOST DEPENDABLE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1989.

SPECIAL ORDER RESUMED

And the bill:

H. 31. (With Amendment): To provide authority for the Department of Corrections to contract or enter into agreements with private industry so as to establish effective, work oriented rehabilitation programs in an actual private enterprise work environment.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Small Business, said amendment being as follows:

Amend H. B. 31 on page 1, Section 1, line 34 by adding after the word "Corrections." the following: Such contract shall be subject to review by the Legislature's Joint Prison Committee.

H. 31 TEMPORARILY CARRIED OVER

On motion of Rep. Walker, the bill, H. 31, and the pending amendment, were temporarily carried over.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. McDowell and Kennedy:

H. R. 474. COMMENDING DR. MARY OLIVIA ROSS, PRESIDENT, WOMAN'S CONVENTION, AUXILIARY TO THE NATIONAL BAPTIST CONVENTION, U.S.A., INC., FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Turnham:

H. R. 475. COMMENDING COLONEL CHARLIE B. MOORE ON THE OCCASION OF HIS RETIREMENT FROM THE UNITED STATES AIR FORCE AFTER THIRTY YEARS OF DISTINGUISHED SERVICE.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (G), the rules were suspended in order to take up out of order the bill, H. 1065.

And the bill:

H. 1065. To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE OFFERED

Rep. White (G) offered the following substitute to the bill, H. 1065:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Education for the Hemophilia Program for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Education for the fiscal year ending September 30, 1989, the sum of \$296,520 to be used for the Hemophilia Program. The appropriation herein shall be in addition to any and all other funds heretofore or hereafter appropriated to the Department of Education. The appropriation shall not be used for any indirect or administrative costs.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Colvin, Crow, Curry, Dillard, Flowers, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley,

Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—80

Nay: Rep. Clay.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 35. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

Also:

H. 349. To amend Section 5-19-31, Code of Alabama 1975, so as to confirm and clarify existing law that the provisions of Title 5, Chapter 19, other than the provisions of Section 5-19-1(1) and Section 5-19-3, do not apply to any loan, forbearance, credit sale, lease or other transaction that is not a consumer transaction, or to any transaction by a trust institution under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501; to provide further limitations upon the effect of Chapter 19 in amending or repealing other laws; to provide for the purpose of this Act; to provide for severability of the provisions of this Act; and to provide for an effective date.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 118. To amend Sections 29-2-4 and 29-2-6, Code of Alabama 1975, as amended, relating to the powers and duties of the joint highway committee and the duties of the highway department with respect to such committee, so as to further provide therefor, the long-range planning responsibilities and the department's utilization of federal and state funds.

McDOWELL LEE,
Secretary.

H. 1065 RESUMED

And the bill, H. 1065 as amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Colvin, Crow, Curry, Dillard, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

Nay: Rep. Clay.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenreid:

S. J. R. 200. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH Houses thereof concurring, that when the two Houses of the Legislature adjourn today, Thursday, April 27, they adjourn to meet again on Monday May 1; and when they adjourn on May 1, they adjourn to meet again on Tuesday, May 2; and when they adjourn on May 2, they adjourn to meet again on Wednesday, May 3; and when they adjourn on Wednesday, May 3, they adjourn to meet again on Thursday, May 4; and when they adjourn on May 4, they adjourn to meet again on Thursday, May 11, and when they adjourn that day, they adjourn sine die.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell, the rules were suspended in order to take up the resolution, S. J. R. 200, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 88. To appropriate from the General Fund the sum of \$1,000,000 during the fiscal year 1988-1989, to the Department of Agriculture and

Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 102. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

Also:

H. 611. Relating to Montgomery County; pertaining to the Retirement System for Employees of Montgomery County; to amend Section 7 of Act No. 356 of the Legislature of Alabama of 1973 to increase the maximum retirement allowance credit from 30 to 40 years of creditable service; to amend Section 1 of Act No. 618 of the Legislature of Alabama of 1977 to equalize the reemployment repayment provisions for the restoration of creditable service credit; to amend Section 1 of Act No. 724 of the Legislature of Alabama of 1981 to increase the maximum annual service retirement allowance from 12 times sixty per centum to 12 times eighty per centum of the members' average monthly compensation, to reduce the creditable service required for vesting from 15 to 10 years and to remove special retirement restrictions for members who have attained the age of 70.

Also:

H. 919. Relating to Montgomery County; amending Section 1 of Act No. 87-748, H. 1051 of the 1987 Alabama Legislature (Acts 1987, p. 1472), providing for the release of certain persons from legal custody who own equitable interest in real estate of the county, so as to further provide for persons who can post bail or appeal bonds using certain real estate equitable interest.

Also:

H. 1012. Relating to Shelby County; authorizing the county commission to provide an increase in county salary supplement for each circuit judge and district attorney within the eighteenth judicial circuit and each Shelby County district judge.

Also:

H. J. R. 462. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 414. COMMENDING COMMISSIONER OF LABOR ROBIN REA AND ASSISTANT COMMISSIONER OF LABOR MIKE MORGAN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 416. COMMENDING DAVID BRYANT SMITH OF GADSDEN, ALABAMA.

Also:

H. J. R. 417. COMMENDING SHANE DICKERSON OF FRUITDALE HIGH SCHOOL, DISTRICT V TEACHER OF THE YEAR.

Also:

H. J. R. 418. COMMENDING THE PIZITZ MIDDLE SCHOOL BAND IN VESTAVIA HILLS, ALABAMA

Also:

H. J. R. 426. MOURNING THE DEATH OF LESLEY ANN KAYLOR OF ATTALLA, ALABAMA

Also:

H. J. R. 427. RECOGNIZING WITH COMMENDATION THE 100TH ANNIVERSARY OF THE GADSDEN CITY SCHOOLS.

Also:

H. J. R. 428. COMMENDING THE MONTGOMERY COUNTY EDUCATION ASSOCIATION.

Also:

H. J. R. 429. COMMENDING THE FRANCIS MARION HIGH SCHOOL RAMS ON THE 1988-1989 STATE CLASS 2A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 460. CONGRATULATING W. HAROLD GRANT, PH.D., AUBURN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

Also:

H. J. R. 463. MOURNING THE DEATH OF DR. HERMAN STONE OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 466. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 108TH BIRTHDAY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed

the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 17. To provide for and permit the breeding of farm-raised alligators for certain commercial purposes; to provide for the regulation of, and to regulate, the breeding, exhibiting, selling, purchasing, shipping, or transporting of farm-raised alligators or the skins, carcasses or parts thereof, by the state department of conservation and natural resources; to provide for the licensing of alligator farmers, alligator parts dealers, and certain retailers and restaurants; to provide for the procedure for tagging of certain alligator skins, carcasses, meat or parts; to provide for certain property rights in certain alligators and parts thereof; to provide for the furnishing or retention or inspection of certain records or bills of sale, relating to the sale or purchase or shipment of certain such alligator skins or carcasses or parts; to provide for a severance tax upon the skins of certain alligators taken within this state; to prohibit the taking or possession of alligators or their eggs, skins, or parts except as provided herein; to provide for the voiding of said licenses under certain circumstances; to provide for the forfeiture and disposal of certain alligators, parts, and skins and the cancellation of alligator farmer licenses under certain circumstances; and to provide for penalties.

Also:

H. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1988 Regular Session of the legislature, as contained in the 1988 Cumulative Supplement to the Code of Alabama 1975; and to make certain corrections in such cumulative supplement.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 331. COMMENDING BENJAMIN B. GRAVES FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

Also:

H. J. R. 332. HONORING MONTGOMERY'S WOMEN OF ACHIEVEMENT.

Also:

H. J. R. 334. COMMENDING CLARKE COUNTY HIGH SCHOOL, OUR STATE 4A BASKETBALL CHAMPIONS.

Also:

H. J. R. 335. COMMENDING MRS. ANNE FORD CASE OF JACKSONVILLE, ALABAMA.

Also:

H. J. R. 362. COMMENDING PENNY MINCE OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 327. CONGRATULATING JUNE SMITH, ENTERPRISE, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 328. COMMENDING ANNIE MAE SULLIVAN NOLIN OF COOK SPRINGS, ALABAMA.

Also:

H. J. R. 336. COMMENDING EMILY PUTNAM OF AUBURN, ALABAMA, "FOCUS ON ANIMALS" VIDEO CO-PRODUCER AND DEVELOPER.

Also:

H. J. R. 337. COMMENDING DAVID BISHOP, OUTSTANDING DISABLED VOLUNTEER.

Also:

H. J. R. 340. RECOGNIZING, WITH COMMENDATION, JUNE 2, 1989, AS "LETTER CARRIER DAY" IN ALABAMA.

Also:

H. J. R. 402. COMMENDING "ALABAMA."

Also:

H. J. R. 431. MOURNING THE DEATH OF SONYA DeANN HALLMARK OF PINSON, ALABAMA.

Also:

H. J. R. 432. MOURNING THE UNTIMELY DEATH OF NATHAN WAYNE VERNON OF CENTER POINT, ALABAMA.

Also:

H. J. R. 433. MOURNING THE DEATH OF DAVID ERIC WREN OF CENTER POINT, ALABAMA.

Also:

H. J. R. 434. COMMENDING BRYAN PATRICK THARP OF CHALKVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 389. COMMENDING TREY DICKSON OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 390. COMMENDING ETCHRIDGE MEANS OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 391. COMMENDING TONI JAMES OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 392. COMMENDING ROBERT SCOTT LEWIS OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 453. COMMENDING DAMON DIXON FOR OUTSTANDING ATHLETIC AND ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 306. COMMENDING BOBBY M. JUNKINS OF GADSDEN, ALABAMA, FOR OUTSTANDING SERVICE AND ACCOMPLISHMENT.

Also:

H. J. R. 409. COMMENDING BOBBY D. JONES OF LAFAYETTE, ALABAMA, ON HIS RECENT HONOR AS CITIZEN OF THE YEAR.

Also:

H. J. R. 410. NAMING THE AUDITORIUM AT J. B. PENNINGTON HIGH SCHOOL IN BLOUNTSVILLE, ALABAMA, IN HONOR OF RUFUS BIRL BRYSON.

Also:

H. J. R. 413. MOURNING THE DEATHS OF WALTER OTIS MENDHEIM AND HETTIE M. AMAN, HOUSTON COUNTY, ALABAMA.

Also:

H. J. R. 425. CONGRATULATING REPRESENTATIVE AND MRS. RICHARD LINDSEY ON THE BIRTH OF A DAUGHTER.

Also:

H. J. R. 398. CONGRATULATING THE ERWIN HIGH SCHOOL BASKETBALL TEAM ON THEIR ACCOMPLISHMENT OF THE 1988-1989 SEASON.

Also:

H. J. R. 344. MOURNING THE DEATH OF GLADYS MOUTON COOPER OF MOBILE, ALABAMA.

Also:

H. J. R. 470. COMMENDING THE FORMATION OF THE HELEN KELLER EYE RESEARCH FOUNDATION.

Also:

H. J. R. 384. CONGRATULATING SUE FARNSWORTH, OZARK, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 385. COMMENDING LILLIS IRWIN FOR DISTINGUISHED SERVICE TO THE ALABAMA PUBLIC SCHOOLS.

Also:

H. J. R. 386. MOURNING THE DEATH OF EUGENE BURNIE COOKE OF MOBILE, ALABAMA.

Also:

H. J. R. 436. RECOGNIZING WITH COMMENDATION THE 10th ANNIVERSARY OF THE NATIONAL ODOM ASSEMBLY.

Also:

H. J. R. 437. CONGRATULATING MICHELE KILCULLEN COODY, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

H. J. R. 438. MOURNING THE DEATH OF WILLIAM RAYNES JONES OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 439. COMMENDING AUTHOR GENE WESTBROOK AND DESIGNATING "THE MAGNOLIA COLLECTION" AS AN OFFICIAL 1989 ALABAMA REUNION COOKBOOK.

Also:

H. J. R. 440. MOURNING THE DEATH OF CLARENCE COLEMAN HARRIS OF ALBERTVILLE, ALABAMA.

Also:

H. J. R. 393. COMMENDING DONNA MURPH OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 394. COMMENDING HOLMES HENDRICKSON OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 395. COMMENDING AMY JOHNS OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 396. COMMENDING APRIL HARVILL OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 457. COMMENDING COACH RONNIE ARROW FOR OUTSTANDING ACCOMPLISHMENTS AS HEAD COACH OF THE UNIVERSITY OF SOUTH ALABAMA BASKETBALL TEAM.

Also:

H. J. R. 458. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA JAGUAR BASKETBALL TEAM FOR THEIR OUTSTANDING SEASON.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 341. DESIGNATING A PORTION OF HIGHWAY 76 AS THE "DESOTO CAVERNS PARKWAY."

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 787. To amend Section 30-3-4, Code of Alabama 1975, which provides for visitation rights of grandparents in domestic relations cases, and in other cases, so as to provide further for such rights.

TOMMY CARTER,
Chairman.

And the bill, H. 787 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 354. To amend Section 16-28-4, Code of Alabama, 1975, relating to the cutoff enrollment date of school children entering Grade One or Kindergarten so as to change the cutoff enrollment date from October 1 to September 1 of each year; to ensure that students already enrolled in Kindergarten can proceed to Grade One notwithstanding this Act; and to provide that no board of education shall lose any teacher unit as a result of this Act.

TOMMY CARTER,
Chairman.

And the bill, H. 354 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 108. To amend Section 34-38-1, Code of Alabama, 1975, so as to include the definition of hygienist in Section 34-38-1, and to bring hygienists under the provisions of this chapter. To amend Section 34-38-2, Code of Alabama, 1975, relating to the limitation of expenses of the Alabama impaired professionals' committee, so as to exclude the cost of treatment or rehabilitation programs recommended by the committee to professionals subject to the provisions of Section 34, Chapter 38 of the Code of Alabama 1975, and to preserve the authority of the regulatory board or boards to take disciplinary action against professionals subject to the provisions of this section. To amend Section 34-38-6, Code of Alabama, 1975, relating to the confidentiality of information, records and proceedings so as to allow certain access by the regulatory boards. To amend Section 34-38-7, Code of Alabama, 1975, relating to reporting requirements so as to require certain reports to the regulatory boards.

TOMMY CARTER,
Chairman.

And the bill, H. 108 as engrossed, was ordered sent to the Senate.

S. J. R. 200 RESUMED
SUBSTITUTE OFFERED

Rep. Carothers offered the following substitute to the resolution, S. J. R. 200.

S. J. R. 200. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH Houses thereof concurring, that when the two Houses of the Legislature adjourn today, Thursday, April 27, they adjourn to meet again on Tuesday, May 2; and when they adjourn on May 2, they adjourn to meet again on Wednesday, May 3; and when they adjourn on Wednesday, May 3, they adjourn to meet again on Thursday, May 4; and when they adjourn on May 4, they adjourn to meet again on Thursday, May 18, and when they adjourn that day, they adjourn sine die.

And the substitute was lost.

Yeas 23; Nays 57.

Yeas:

Reps. Breedlove, Carothers, Clay, Curry, Gray, Grayson, Haynes, Holmes, Johnson (RG), Knight, Logan, Mathis, McKee, McMillan, Mikell, Newton (D), Penry, Perdue, Poole, Seibels, Slaughter, Thomas and Warren.

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Nays:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Clark (W), Crow, Escott, Flowers, Frazier, Fuller, Gaston, Grouby, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Marks, Melton, Moon, Newman, Newton (C), Parker, Richardson, Sanderford, Spratt, Turner, Turnham, Venable, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—57

The question was then on the adoption of the resolution, S. J. R. 200, and on motion of Rep. Campbell, the House concurred in and adopted the resolution.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the bill, H. 870.

And the bill:

H. 870. (With Substitute): To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement in connection with the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$10,000,000; and to authorize the state to establish a public corporation with the powers and resources necessary to undertake obligations authorized by this amendment to be undertaken by the state.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama to authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$20,000,000; and to authorize the state to establish a bond commission with the powers and resources necessary to issue the bonds authorized by this amendment to be issued by the state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

The legislature may by appropriate laws authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of (a) fulfilling a portion of the requirements of local contribution, participation and cooperation now or hereafter established by the United States in connection with the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and (b) the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile,

The legislature may by appropriate laws authorize the state to become indebted and, in evidence of such indebtedness, to sell and issue its interest-bearing bonds, in an aggregate principal amount not exceeding \$20,000,000, for the purpose of enabling the state to discharge obligations at any time authorized by the legislature to be undertaken in connection with the channel deepening project and the State Docks projects. The expenses incurred in connection with the sale and issuance of the bonds may also be paid from the proceeds thereof. The bonds may be sold by the Bond Commission authorized herein at public or private sale, with or without competitive bidding, at such price or prices and on such terms and conditions as the Bond Commission shall determine to be in the best interest of the State. Bonds evidencing the herein provided for indebtedness may be issued as direct general obligations of the state, and the state may pledge its full faith and credit to the prompt payment of the principal of the bonds and the interest and redemption premium (if any) thereon. The said bonds may be additionally secured by any special pledges that may be provided for by the

legislature. The herein provided for indebtedness shall not be construed to prohibit or limit appropriations from the general fund of the state which from time to time may be made for the purpose of enabling the state to discharge obligations at any time authorized by the legislature to be undertaken in connection with the channel deepening project and the State Docks projects.

The legislature may by appropriate laws establish a Bond Commission and may confer upon it, in addition to all other necessary powers, full power to determine the terms and conditions of the bonds and to provide for the sale and issuance thereof. The legislature may authorize the herein provided for general obligation bonds of the state to be sold from time to time under the supervision of such Bond Commission. All monies received as proceeds of the sale of the state's bonds, shall be expended, except for reasonable issuance costs and administrative expenses, in discharging obligations that the state is permitted under the foregoing provisions of this amendment to undertake in connection with the channel deepening project and the State Docks projects. The legislature shall enact appropriate enabling legislation to carry out the intent and purpose of this amendment.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 17 of Title 17 of the Code of Alabama, 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse in such county.

And the substitute was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Turner, Turnham, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Box offered the following amendment to the bill, H. 870:

Amend H. B. 870 on page 2, Section 1, line 27, by deleting after the word "herein" the following:

"at public or private sale, with or without competitive bidding, at such price or prices and on such terms and conditions as the Bond Commission shall determine to be in the best interest of the State."

and substituting in lieu thereof the following:

“in such manner and according to such conditions as may be provided by law.”

Further amend H. B. 870, page 3, Section 1, line 4, by deleting the words “full power” and substituting in lieu thereof the following:

“such power as may be necessary”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 47; Nays 20.

Yeas:

Reps. Beers, Blake, Box, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Colvin, Crow, Escott, Flowers, Frazier, Freeman, Grouby, Hall, Haynes, Headley, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Laird, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton (C), Parker, Payne, Petelos, Poole, Richardson, Seibels, Slaughter, Spratt, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—47

Nays:

Mr. Speaker, Beasley, Black, Britnell, Brooks, Bryant, Campbell, Curry, Dillard, Fuller, Gray, Hamilton, Hammett, Harper, Harvey, Holley, Knight, Logan, McKee and McMillan.

—20

And the bill:

H. 870. To propose an amendment to the Constitution of Alabama to authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of the deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to authorize the state to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$20,000,000; and to authorize the state to establish a bond commission with the powers and resources necessary to issue the bonds authorized by this amendment to be issued by the state.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 82; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Dillard, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RG),

Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Petelos, Poole, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 35. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

Also:

H. 118. To amend Sections 29-2-4 and 29-2-6, Code of Alabama 1975, as amended, relating to the powers and duties of the joint highway committee and the duties of the highway department with respect to such committee, so as to further provide therefor, the long-range planning responsibilities and the department's utilization of federal and state funds.

Also:

H. 349. To amend Section 5-19-31, Code of Alabama 1975, so as to confirm and clarify existing law that the provisions of Title 5, Chapter 19, other than the provisions of Section 5-19-1(1) and Section 5-19-3, do not apply to any loan, forbearance, credit sale, lease or other transaction that is not a consumer transaction, or to any transaction by a trust institution under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501; to provide further limitations upon the effect of Chapter 19 in amending or repealing other laws; to provide for the purpose of this Act; to provide for severability of the provisions of this Act; and to provide for an effective date.

Also:

H. 88. To appropriate from the General Fund the sum of \$1,000,000 during the fiscal year 1988-1989, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the bill, H. 904.

And the bill:

H. 904. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$20,000,000 for the purpose of paying a portion of the capital costs of deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this act; to empower the Bond Commission to make necessary payments and agreements regarding investments to comply with Federal law regarding tax exempt bonds, and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

Was taken up.

AMENDMENT OFFERED

Rep. Box offered the following amendment to the bill, H. 904:

Amend H. B. 904, line 20 of the Title thereof, by inserting after the word "same;" the following: to provide for the competitive employment of attorneys, financial advisors, accountants, registrars and paying agents in connection with the sale and issuance of the bonds;

Further amend H. B. 904 on page 7, Section 5, lines 10 et seq., by deleting the sentence beginning after the caption "Sale of the Bonds." in its entirety and substituting in lieu thereof the following:

The Bonds of each series may be sold from time to time as the Bond Commission may deem advantageous; provided that the aggregate principal amount of the Bonds (excluding Refunding Bonds) sold and issued pursuant to the authority conferred by the Bond Amendment shall not exceed \$20,000,000. Each series of the Bonds (including Refunding Bonds) shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the State for the

Bonds being sold, computed from the date of such Bonds to the dates on which the principal installments thereof shall respectively become due and payable and taking into account any premium or discount named in the bid therefor; provided that if no bid acceptable to the Bond Commission is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State of Alabama that is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The Bond Commission may fix the terms and conditions under which each such sale shall be held; provided that the Bonds of each series shall not be sold for an aggregate price less than 98% of the aggregate face or principal amount thereof plus the interest accrued thereon from the date thereof until payment is made therefor; and provided further that such terms and conditions shall not conflict with any of the requirements of this Act.

The Bond Commission shall have the power to employ attorneys, financial advisors, accountants, registrars and paying agents in connection with the sale of each series of the Bonds or any other purpose or undertaking of the State or the Bond Commission authorized by this Act. In the selection and employment of attorneys (including, without limitation, bond counsel and any special counsel for the State or Bond Commission), financial advisors, accountants, registrars and paying agents, whether in connection with the sale and issuance of any series of the Bonds or any other purpose or undertaking of the State or the Bond Commission authorized by this Act, the Bond Commission shall in every case request proposals from qualified parties offering such services by publishing a request for proposals once a week for two consecutive weeks in newspapers published or having a general circulation in the cities of Birmingham, Montgomery, Huntsville, and Mobile, shall fully and fairly review all of such proposals, and shall award employment to the proposing party in each case whose proposal is most advantageous to the State, taking into consideration experience, expertise, suitability, cost and other factors designated in the request for proposals. Each of these criteria shall be given relative weight as designated in the request for proposals, with cost retaining the most significant weight. Responsiveness to the request for proposals shall be scored by the Bond Commission for each of the designated criteria. If the party selected by the Bond Commission is not the party whose proposal reflects the lowest cost to the State, the Bond Commission shall present its reasons for not selecting such party to the Contract Review Oversight Committee, created pursuant to the Code of Alabama 1975, Sections 29-2-40, et seq., or any successor committee of the Legislature. The oversight committee shall evaluate the finding of the Bond Commission, and shall, in the independent exercise of its judgment, adopt a resolution approving or disapproving the selection of the Bond Commission. No party whose proposal does not reflect the lowest cost to the State can be legally employed unless the oversight committee approves the selection of such party by the Bond Commission. In connection with any review of the selection made by the Bond Commission and the reasons therefor, the oversight committee shall also hear the appeal or contrary argument of any party who submitted a proposal in which the cost to the State was less than the cost of employing the party selected by the Bond Commission.

The competitive employment process required by this section shall not be circumvented or subverted by any arrangement in which an attorney, financial advisor, accountant, registrar or paying agent is employed by the State or any department, agency or instrumentality thereof other than the

Bond Commission to render any service in connection with the sale and issuance of the Bonds or any other purpose or undertaking of the State or the Bond Commission authorized by this Act. No attorney, financial advisor, accountant, registrar or paying agent shall be employed by the State or any department or agency or instrumentality thereof to render any such service unless the employment of such party complies with all conditions of this Act that would be applicable to the employment of such party by the Bond Commission.

In connection with the selection and employment of any attorneys, financial advisors, accountants, registrars and paying agents, it shall be unlawful for anyone to subvert or compromise the integrity of the competitive employment process required by this Act through any agreement, arrangement, plan, scheme or understanding which would provide additional compensation to any party submitting a competitive proposal for the purpose of enabling such party to submit a proposal at lower cost than would be submitted in the absence of the receipt or expectation of such additional compensation. Additional compensation as used in this Act shall include compensation for any different service or like service under different circumstances (other than any service where employment is obtained through competitive bidding conducted pursuant to a publicly advertised request for bids) that is materially higher than the compensation that would be paid for such service under usual and customary circumstances. Each party employed pursuant to the competitive employment process required by this Act shall, as a condition precedent to the payment of any compensation for services performed by such party, execute and deliver to the Bond Commission a sworn statement, under penalty of perjury, that such party has no knowledge of any agreement, arrangement, plan, scheme or understanding which, if implemented in whole or in part, would result in the receipt by such party of additional compensation within the meaning of this Act.

Any intentional violation of the provisions of this Act relating to the competitive employment of attorneys, financial advisors, accountants, registrars and paying agents shall constitute a Class C misdemeanor.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 20.

Yeas:

Reps. Adams, Blake, Box, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Colvin, Crow, Escott, Frazier, Freeman, Grouby, Hall, Haynes, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Laird, Marks, Mathis, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Penry, Petelos, Poole, Richardson, Sanderford, Seibels, Slaughter, Spratt, Warren, White (L), Williams, Willis, Wright and Zoghby.

—45

Nays:

Mr. Speaker, Beasley, Beers, Britnell, Bryant, Campbell, Curry, Fuller, Gray, Hamilton, Hammett, Harper, Harvey, Higginbotham, Holley, Logan, McKee, Turner, Venable and White (G).

—20

And the bill:

H. 904. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become

indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$20,000,000 for the purpose of paying a portion of the capital costs of deepening, widening and extending of the existing Federal channel at Bayou La Batre, Alabama and the acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the State Docks at the Port of Mobile; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the competitive employment of attorneys, financial advisors, accountants, registrars and paying agents in connection with the sale and issuance of the bonds; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this act; to empower the Bond Commission to make necessary payments and agreements regarding investments to comply with Federal law regarding tax exempt bonds, and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Crow, Dillard, Escott, Flowers, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Poole, Richardson, Rogers, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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RESOLUTIONS

The following resolutions were introduced.

By Reps. Carothers, Beasley, and Mathis:

H. J. R. 476. CONGRATULATING JAMES LOFTIN, DOTHAN, ALABAMA, KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, James Loftin, a resident of Dothan, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, James Loftin, is an active member of Saint Columba Parish, Dothan, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir James Loftin of Dothan, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir James Loftin, Dothan, Alabama, by the Clerk of the House, so that he and his family may know of our high esteem and deep appreciation.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 476, was adopted.

Also:

By Reps. Carothers, Beasley, and Mathis:

H. J. R. 477. CONGRATULATING ROBERT A. HEDSTROM, DOTHAN, ALABAMA KNIGHT OF THE ORDER OF SAINT GREGORY THE GREAT, CIVIL CLASS.

WHEREAS, Robert A. Hedstrom, a resident of Dothan, Alabama, recently was recognized, for meritorious work and zeal in service to the Catholic Church, by His Holiness John Paul II, who granted the Knighthood of Saint Gregory the Great, Civil Class to him; and

WHEREAS, this singular honor is a public sign of outstanding achievements, dedication to the Church and service to others of a high degree; and

WHEREAS, Robert A. Hedstrom, is an active member of Saint Columba Parish, Dothan, Alabama, and he has served in many positions in organizations and boards of his Church, and his life has been exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate Sir Robert A. Hedstrom of Dothan, Alabama, on the occasion of this Papal Honor and for his outstanding achievements and dedication.

RESOLVED FURTHER, That a copy of this resolution be sent to Sir Robert A. Hedstrom, Dothan, Alabama, by the Clerk of the House, so that he and his family may know of our high esteem and deep appreciation.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 477, was adopted.

Also:

By Reps. Butler, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D),

Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 478. URGING THE CONGRESS TO REPEAL OR SUBSTANTIALLY MODIFY THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988.

WHEREAS, the Medicare Catastrophic Coverage Act of 1988 passed by Congress is an ill-conceived effort to meet the demand, and fund the cost, of additional services under Medicare; and

WHEREAS, to finance the extended coverage provided, the act requires that nearly one-half of those enrolled under Medicare pay an exorbitant supplemental premium based on income tax to a maximum, in 1989, of \$800 per year per individual, an amount to rise over the next few years to a projected annual premium of \$1,050 per individual in 1993; and

WHEREAS, we further note that the premium for Part B of Medicare rose from \$24.80 in 1988 to \$27.90 for the current year, plus a premium surcharge of \$4.00, for a total of \$31.90 monthly per individual and, again, these are charges that are projected to increase; and

WHEREAS, additionally, many prudent Medicare recipients are enrolled in a "C+" or other Medicare supplement plan, and are paying \$50 to \$60 monthly to cover the required hospital deductible charge, for which the patient is responsible, and to help with other costs not covered by Medicare Part A or B; and

WHEREAS, based on the data available as hereinabove outlined, and not including other unforeseen increases in health care premiums, it is apparent that many Medicare recipients, by 1993, will expend some \$2,100 annually, per individual, or \$4,200 for the retired, fixed-income couple being assessed the maximum Catastrophic Coverage premium; and

WHEREAS, we also point out, with objection, that the Congress, by exclusively imposing the cost of the new provisions of this act against those enrolled under Medicare, and only a portion of these, has completely departed from previous methods of financing Social Security programs and services; and

WHEREAS, going even farther afield, Congress has overlooked or ignored the fundamental concept of insurance which bases a premium on the risk assumed as opposed to an individual's income—a form of rate-fixing that would raise a hue and cry throughout the nation should the insurance industry apply the same irrationalities as has Congress with its "catastrophic" coverage which, incidentally, includes no benefits for the real catastrophe of extended or custodial nursing care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon the Congress of the United States to seek the repeal or substantial modification of the Catastrophic Coverage Act of 1988, more particularly the grossly unjust method of assessing the total cost of the program against a portion only of those affected by the act.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the presiding officers of both houses of Congress, to the members

of the Alabama Congressional Delegation and to the Honorable George Bush, President of the United States.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 478, was adopted.

Also:

By Reps. Blakeney, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 479. COMMENDING THE MACMILLAN BLOEDEL PULP AND PAPER EMPLOYEES ON THEIR OUTSTANDING SAFETY RECORD.

WHEREAS, employees in the Pulp and Paper Division of MacMillan Bloedel have recorded another safety milestone with the completion of two million manhours without a lost-time accident, thereby performing their jobs without a serious workplace injury for more than eighteen months; and

WHEREAS, reaching the two million hours safety goal is a rare achievement in the pulp and paper industry and, for MacMillan Bloedel, the record marks the greatest safety accomplishment in the Pulp and Paper Division since the company began operations at the Pine Hill facility in 1967; and

WHEREAS, through outstanding team accomplishment, the MacMillan Bloedel employees have indeed evidenced their dedication to making safety a top priority in the workplace, and their success in establishing safe work habits and a positive attitude is reflected in their recent achievement of two million manhours without a lost-time accident; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the MacMillan Bloedel Inc., Pulp and Paper Employees on their milestone safety record of two million hours without serious injury.

BE IT FURTHER RESOLVED, That a copy of this resolution of sincere praise be forwarded to MacMillan Bloedel president, Mr. Wyatt Shorter.

On motion of Rep. Blakeney, the rules were suspended and the resolution, H. J. R. 479, was adopted.

Also:

By Rep. Knight:

H. J. R. 480. RECOGNIZING THE NOTABLE RECORD OF ACHIEVEMENT OF THE ALABAMA JOB TRAINING COORDINATING

**COUNCIL AND THE EMPLOYMENT AND TRAINING DIVISION OF
THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY
AFFAIRS.**

WHEREAS, the Governor has duly appointed and established the Alabama Job Training Coordinating Council pursuant to Section 122(a)(2) of the Job Training Partnership Act; and

WHEREAS, this Council is charged with performing the various functions set forth in Section 122(b) of the Job Training Partnership Act and, in so performing, provides the Governor with recommendations pertaining to conduct of employment and training activities operated under the Job Training Partnership Act; and

WHEREAS, the Employment and Training Division of the Alabama Department of Economic and Community Affairs has ably provided for Council staff support and implementation of plans and programs specified under the Job Training Partnership Act; and

WHEREAS, this coordinated effort between the Council and the Employment and Training Division has resulted in thousands of economically-disadvantaged Alabamians being placed in jobs and the presentation of both youth and adults with new education and training opportunities, with additional educational and training benefits being provided to the elderly, the handicapped, school dropouts and other individuals; and

WHEREAS, the Council, operating under authority of Section 122(b)(8) of the Job Training Partnership Act and to ensure that coordination among both federally and state-funded employment and training programs takes place, annually solicits information from a number of state agencies regarding the nature and scope of employment and training or related programs they directly administer or otherwise promulgate; and

WHEREAS, the high degree of success realized by those Job Training Partnership Act programs administered and operated in full consultation with the Council, as recognized numerous times by the U. S. Department of Labor and the National Alliance of Business, is illustrative of the Council's extraordinary performance in providing sound and effective leadership towards the goal of furthering the fuller development of human capital and economic resources in Alabama; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
HOUSES THEREOF CONCURRING,** That the Alabama Job Training Coordinating Council and the Employment and Training Division of the Alabama Department of Economic and Community Affairs, having compiled a notable record of achievement in the advancement of Alabama employment and training programs operated under the Job Training Partnership Act, are hereby recognized and most highly commended for meritorious service to the state.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor Guy Hunt, to the Chairman of the Alabama Council on Vocational and Technical Education and to the Chairman of the Alabama Job Training Coordinating Council.

On motion of Rep. Knight, the rules were suspended and the resolution, H. J. R. 480, was adopted.

Also:

By Reps. Bugg, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Clay, Coburn, Colvin, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Sanderford, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 481. COMMENDING LARRY ROSE FOR OUTSTANDING PERFORMANCE FOR THE UNIVERSITY OF ALABAMA'S FOOTBALL TEAM 1985-1988.

WHEREAS, Larry Rose of Gadsden will long be remembered by Crimson Tide fans as one of Alabama's best all-time offensive linemen; and

WHEREAS, commencing with the 1985 season opener against Georgia his freshman year, Larry Rose started 48 games during his career, missing only two games in 1986 due to a knee injury; and

WHEREAS, in 1984 he was recruited out of Emma Sansom High School as the No. 1 player in the state and quickly validated that assessment by being named to the Football News Freshman All-American Team in 1985; and

WHEREAS, Larry Rose was a second team All-American pick as a junior in 1987 and was a unanimous All-SEC, as well as a first team All-American on the World Almanac team as a senior in 1988; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend Larry Rose for his outstanding football career at the University of Alabama and we wish for him continued success in his future endeavors.

RESOLVED FURTHER, That a copy of this resolution be sent to Larry Rose and to the Sports Information Office at the University of Alabama.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 481, was adopted.

Also:

By Rep. Campbell:

H. R. 482. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 27, 1989, we adjourn to meet again on Monday, May 1, 1989, at 5:30 P.M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 482, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 483. CONGRATULATING MRS, ELLA RACHEL ON THE OCCASION OF HER 107TH BIRTHDAY.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, H. 358 and the pending substitute.

The question was then on the adoption of the substitute reported previously by the Standing Committee on Banking, and the substitute was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Bryant, Burke, Butler, Campbell, Curry, Escott, Flowers, Freeman, Grouby, Hall, Hamilton, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (D), Parker, Petelos, Poole, Rains, Richardson, Slaughter, Spratt, Turnham, Warren, White (F), White (L), Wright and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend substitute to H. 358 on page 10, Section 4, line 17 after the word "employee" and before the "," by adding the following: who has been making a valuation, analysis, or other appraisal,

And the amendment was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Bryant, Burke, Butler, Campbell, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Petelos, Poole, Rains, Richardson, Slaughter, Spratt, Turnham, Warren, White (F), White (L), Wright and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Holley offered the following amendment #1 to the bill, H. 358 as amended:

In Section 2, page 3, after line 21, add the following new subsection (11):

(11) Nothing contained herein shall cause a timber cruise or a crop appraisal to be considered an appraisal where the value of the land is not considered. An employee of the State of Alabama or any county therein who has been certified by the Alabama Department of Revenue as an Alabama Certified Appraiser who is engaged in the performance of official duties as such employee, shall not be subject to the provisions of this act.

In Section 5, page 5, beginning on line 21, and ending on line 23, delete after the word "members" on line 21 the language ", two (2) of whom shall be qualified individuals from the general public and seven (7) of whom" and in lieu thereof add the word:

who

Also in Section 5, page 6, on line 8, after the period mark, delete the following two sentences which read: "The public members of the board shall not be engaged in the practice of real estate appraising. Public members shall demonstrate a high degree of knowledge of the role of real estate appraisals in real estate transactions."

Also, on page 10, line 13, delete "24" and insert in lieu thereof:

12

Also, on page 10, line 14, delete the word "continuously" and also delete the words "a business".

Also, on page 10, line 19, delete the period after the word "appraisals" and add the following language and punctuation:

or has been in the construction business in Alabama in the past 12 months.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Bryant, Butler, Campbell, Carothers, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Grouby, Hall, Hammett, Hill, Holley, Johnson (RG), Knight, Kvalheim, Logan, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton (D), Parker, Petelos, Poole, Richardson Slaughter, Spratt, Turnham, Warren, White (F), White (L), Wright and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Holley offered the following amendment #2 to the bill H. 358 as amended.

Amend the Substitute for H. B. 358 on Page 10, Subsection (3), line 6 by adding the word or after the word "organization;"

Further amend on Page 10, Subsection b., line 19 by changing the period to a comma after the word "appraisals".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Grouby, Hall, Hammett, Hill, Holley, Johnson (RG), Knight, Kvalheim, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton (D), Parker, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Turnham, Warren, White (F), White (L), Wright and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 358. Relating to real estate appraisers; providing for the licensing and certification of real estate appraisers, creating and establishing the real estate appraiser's board of directors; providing for the membership of such board and for the compensation, powers and duties of its members; providing definitions that will apply to the act; providing for the licensing and certification of real estate appraisers and for the renewal, suspension and revocation thereof; providing for the Real Estate Appraiser's Board Fund in the state treasury; providing for deposits into and disbursements from such fund; providing for an appropriation from such fund to the Real Estate Appraiser's Board for the 1988-89 fiscal year and the 1989-90 fiscal year; prescribing fees that may be set and regulated by such board; prescribing penalties for enforcement of this act and prescribing various procedures and regulations for the administration of the provisions of this act.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 47; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, Moon, Newman, Newton (D), Parker, Petelos, Rains, Richardson, Sanderford, Slaughter, Spratt, Turnham, Warren, White (F), White (L), Wright and Zoghby.

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Nays: Reps. Fuller and Poole.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 965. Relating to Lee County; providing that the Lee County Commission shall be authorized to levy sales and use taxes outside the corporate limits of the Cities of Auburn and Opelika generally paralleling the state sales and use taxes but limited in amount as set out herein, with the same exemptions and exclusions; providing for the collection of such tax by the State Department of Revenue; providing for the distribution and use of the proceeds; and repealing Act No. 88-400, H. 886, 1988 Regular Session.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 338. To provide that in addition to the definitions and authorizations contained in Sections 27-17-16, 27-30-1, 27-30-31, 27-30-33 and 27-36-7 of the Code of Alabama 1975, mutual aid associations may provide insurance policies and contracts as are authorized for domestic life and disability insurers in chapter 3 of Title 27 of the Code of Alabama 1975, subject to the paid-in capital restrictions upon policy or contract limits.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (L), the House concurred in and adopted the Senate amendment to the bill, H. 338, said Senate amendment being as follows:

Amend H. B. 338 on Page 1, Lines 15 and 16, by striking out after the words "subject to the" the following:

~~"paid in capital restrictions upon policy or contract limits."~~ and inserting in lieu thereof, the following:

"limits on the size and types of risks to be insured as stated in Section 27-30-15 and Section 27-30-6.1."

Further amend H. B. 338 on Page 1, Lines 28 and 29, by striking out, after the words: "subject to the" the following:

~~"paid in capital restrictions upon policy or contract limits."~~ and inserting in lieu thereof, the following:

"limits on the size and types of risk to be insured as stated in Section 27-30-15 and Section 27-30-6.1."

Further amend H. B. 338, on Page 2, Line 5, by striking out the following:

~~"paid in capital restrictions upon policy or contract limits."~~ and inserting in lieu thereof, the following:

"limits on the size and types of risks to be insured as stated in Section 27-30-15 and Section 27-30-6.1."

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Curry, Dillard, Escott, Flowers, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Haynes, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton (D), Parker, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Turnham, Warren, White (F), White (L), Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Buskey (JL), the rules were suspended in order to take up out of order the bill, S. 309.

And the bill:

S. 309. To implement Senate Bill 308 of the 1989 regular session of the Legislature pertaining to the "Penny Trust Fund;" to provide for donations, gifts, bequests, taxes, division of proceeds, processing of donations, forms, and the promotion of the Fund.

Was taken up.

SUBSTITUTE OFFERED

Rep. Buskey (JL), offered the following substitute to the bill, S. 309:

A BILL
TO BE ENTITLED
AN ACT

To implement the proposed "Penny Trust Fund" constitutional amendment as enacted by the 1989 regular session of the legislature or as may be enacted by any subsequent session of the legislature and ratified by the voters of Alabama; to provide for donations, gifts, bequests, taxes, division of proceeds, processing of donations, forms, and the promotion of the Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. AUTHORIZATION, PROCEDURES, AND FORMS. The State Treasurer is authorized to accept gifts, donations, and bequests from any person, association, company, or corporation wishing to contribute voluntarily to the Penny Trust Fund. Any person, association, company, or corporation may deposit funds in the Penny Trust Fund through the auspices of the State Treasurer or in the appropriately designated depository. The State Treasurer may seek the voluntary participation of banks, financial institutions, or other businesses in receiving and transferring donations to the Penny Trust Fund. The State Treasurer shall promulgate rules and regulations governing the procedures and administration for the voluntary donations, contributions, and transfers to the Penny Trust Fund. Donation and transmittal forms and promotional materials may be developed and distributed as authorized by the State Treasurer.

Section 2. DIVISION OF PROCEEDS. Proceeds from the Penny Trust Fund which are dedicated for the promotion of the public health shall be deposited in the General Fund and divided as follows:

- (a) Fifty percent to the Department of Public Health for its programs to reduce infant mortality and/or improve child health;
- (b) Fifty percent to the Department of Public Health for its indigent health care programs.

Proceeds from the Penny Trust Fund which are dedicated for the promotion of the public schools shall be deposited in the Alabama Special Educational Trust Fund and divided as follows:

- (a) Twenty-five percent for programs to prevent substance abuse, including the employment of school counselors;
- (b) Twenty-five percent for the immunization of children;
- (c) Twenty-five percent for programs to promote health and disease prevention, including the employment of school nurses;
- (d) Twenty-five percent for student nutrition and nutritional education.

Section 3. TAX DEDUCTION. Donations and bequests to the Penny Trust Fund by individuals, associations, corporations, and companies shall be exempt from all county, and municipal taxes and deductible from state taxes in accordance with Section 40-18-15, Code of Alabama, 1975, as amended.

Section 4. **INCOME TAX RETURN.** Taxpayers who file income tax returns and who are entitled to an income tax refund from the State Department of Revenue sufficient to make a donation to the Penny Trust Fund may designate a sum as a voluntary donation from their refunds and such amounts shall be credited to the Penny Trust Fund. The State Department of Revenue shall print on the face of the appropriate state income tax forms a space for the taxpayers to designate that a donation is to be made to the Penny Trust Fund from the income tax refund due. The space for designating the donation shall provide for a checkoff box with the dollar amount to be voluntarily entered by the taxpayer, commencing for the tax year 1990 and thereafter.

Section 5. **STATE AND LOCAL PUBLIC FUNDS.** No state, county, or municipal funds are to be deposited into the Penny Trust Fund.

Section 6. **REPEALER.** This Act is supplementary and shall not be construed to repeal any provisions of law not in direct conflict herewith. However, to the extent of such conflict, those laws or parts of laws are hereby repealed.

Section 7. **SEVERABILITY.** In the event any section, sentence, clause, or provision of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sentences, clauses, or provisions of this Act, which shall continue effective.

Section 8. **EFFECTIVE DATE.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Curry, Dillard, Escott, Flowers, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hill, Holley, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton (D), Parker, Petelos, Poole, Richardson, Sanderford, Slaughter, Spratt, Turnham, Warren, White (L), Wright and Zoghby.

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And the bill, S. 309 as thus amended, was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Bowling, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Curry, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis,

McKee, McMillan, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turnham, Warren, White (G), White (L), Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Buskey (JL), the rules were suspended in order to take up out of order the bill, S. 308.

And the bill:

S. 308. Proposing the "Penny Trust Fund" amendment to the Constitution of Alabama to which citizens may make voluntary donations to be held in perpetuity and the earnings therefrom used for the promotion of the public health and the public schools.

Was taken up.

SUBSTITUTE OFFERED

Rep. Buskey (JL) offered the following substitute to the bill, S. 308:

A BILL TO BE ENTITLED AN ACT

Proposing the "Penny Trust Fund" amendment to the Constitution of Alabama to which citizens may make voluntary donations to be held in perpetuity and the earnings therefrom used for the promotion of the public health and the public schools.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon in accordance with Sections 284, 285, and 287 of the Constitution of 1901, as amended:

PROPOSED AMENDMENT

(a) There shall be established and maintained the "Penny Trust Fund" within the state treasury to promote the public health and the public schools. Citizens may make voluntary donations to the Penny Trust Fund. All donations and funds received shall be held in perpetual trust and shall not be subject to legislative appropriation or otherwise expended.

(b) Earnings, including accrued interest and dividends, shall be retained in the Penny Trust Fund, not subject to appropriation until the State Treasurer certifies that sufficient monies exist in the Fund or until the fiscal year which begins in 2000, whichever comes first; then and afterward, only 90 percent of the prior fiscal year's earnings to be subject to appropriation. Capital gains taken on the sale of any securities shall revert to the principal of the Penny Trust Fund.

(c) Funds in the Penny Trust Fund are to be managed and invested by the State Treasurer who may receive funds from any source not prohibited by law.

(d) Fifty percent of the earnings subject to appropriation shall be dedicated to the programs and projects which promote the public health, and 50 percent dedicated to the public schools.

(e) The Legislature shall have power to implement this amendment by appropriate legislation.

Section 2. An election upon the above proposed amendment shall be held at the next general, special, primary, or constitutional amendment election after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of Alabama.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this Act shall be effective immediately upon ratification by the people. The Governor shall thereafter proclaim this amendment as required by law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Curry, Dillard, Escott, Flowers, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Moon, Newman, Newton (C), Newton (D), Parker, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turnham, Warren and Zoghby.

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And the bill, S. 308 as amended, was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Colvin, Curry, Dillard, Escott, Flowers, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton (C), Newton (D), Parker, Payne, Penry, Perdue,

Petelos, Poole, Rains, Richardson, Sanderford, Slaughter, Spratt, Thomas, Turner, Turnham, Warren, White (L), Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Figures:

S. 29. To prohibit discrimination in the selling, renting, leasing, and financing of housing; to prohibit certain actions and activities; and to provide penalties.

Also:

By Senator deGraffenried:

S. 493. To create the unclassified positions of Director and Assistant Director of the Southern Environmental Enforcement Network (SEEN), to be responsible for the day-to-day management of the SEEN; to designate the Steering Committee of the SEEN as the responsible body for the selection, hiring and termination of the Director and Assistant Director; to provide that the salaries, and any salary increases, of the Director and Assistant Director be approved by the Steering Committee; to provide that the salaries of the Director and Assistant Director be paid from and in accordance with the federal grants awarded by the Environmental Protection Agency; to provide that said positions be abolished once the federal funding for the project is no longer available.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 29. Judiciary.

S. 493. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bedford:

S. 150. To provide for the exchange of sales tax information with the federal government and other states' agencies with which the State of Alabama has a reciprocal exchange arrangement.

Also:

By Senator Corbett:

S. 500. To make a certain appropriation from the state general fund to a special trust account in the state treasury, to initially establish and to recapitalize economic development revolving loan funds that regional planning and development commissions may draw upon for monies to facilitate access to available federal funds or foundation grants that could provide capital for economic development projects; to provide for a permanent regional revolving loan funds legislative oversight committee to make allocations from said trust account to the revolving loan funds of the several regional planning and development commissions throughout the state; to prescribe the compensation of such legislative oversight committee; to authorize said committee along with the executive directors of certain regional planning and development commissions to promulgate and implement administrative rules and procedures for the administration of such revolving loan funds and to provide that the legislature shall make an appropriation in the general fund budget each fiscal year after 1989-90 to such trust account.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 150. State Administration.

S. 500. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedsole:

S. 427. To amend Section 32-6-270, Code of Alabama 1975, which defines the term "fire fighter" for purposes of issuing distinctive license plates, so as to include retired fire fighters within said definition.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 427. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bedford (With Notice and Proof):

S. 691. Relating to Fayette County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of a county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Fayette County; and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 691, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Corbett (With Notice and Proof):

S. 692. Relating to Macon County; to provide that beer or ale may be sold in containers not exceeding 32 ounces in size.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 692, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 691. Local Legislation No. 1.

S. 692. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator deGraffenried:

S. 283. To amend Alabama Code Section 41-9-374 (1975) to delete the specified appropriation provisions for the Alabama Commissioners on Uniform State Laws.

Also:

By Senator Mitchem:

S. 510. To amend Sections 22-5-2, 22-5-4 and 22-5-5, Code of Alabama 1975, relating to the state commission on physical fitness to add the words "and sports" to the name of the commission, so that it is renamed the state commission on physical fitness and sports; to authorize alternate names for the commission; to provide for regular quarterly meetings of the commission; to provide authority for the commission to assist in and support physical fitness and sports programs for the public, in particular for mentally retarded citizens of the state; to provide authority for the commission to assist in and support a statewide sports competition; and to provide authority for the commission to enter into agreements and contracts in furtherance of the purposes as well as to assist in and support events to benefit its other programs.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 283. Ways and Means.

S. 510. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Foshee:

S. 421. To further provide for the labeling of certain containers of alcoholic beverages by any manufacturer, importer or wholesaler licensee, required by Section 28-3-187 of the Code of Alabama 1975, as amended, so as to remove any such labeling of containers by certain licensees of fortified wine or vinous liquor, as defined by Sections 28-3-1(32), Code of Alabama 1975, which section defines certain alcoholic beverage licensing code terms; to specifically provide that any such licensees shall not be exempted from the payment of any legally owed taxes or charges of the state; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 421. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hilliard:

S. 386. Authorizing the regulation by municipalities or other local governing authorities of private for-hire vehicles, providing passenger transportation services and providing that municipalities or other local governing authorities and any officers or members of such shall not be subject to liability under the federal antitrust laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 386. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Dial and Barron:

S. 538. To amend Sections 11-89-1, 11-89-3, 11-89-4, 11-89-5, 11-89-6, 11-89-7, 11-89-13, 11-89-17, and 11-89-18, of the Code of Alabama 1975 pertaining to water, sewer and fire protection districts so as to provide for the creation of districts as public corporations under Chapter 89 of Title 11 of the 1975 Code which would act as providers at wholesale of water or sanitary sewer service to municipalities, counties or other public corporations in the state or to particular customers of such municipalities, counties or public corporations at their written request, by providing for the incorporation of such supply districts, the amendment of their certificates of incorporation, election of their directors, and their powers, to empower any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state to contract with such supply districts, including "take-or-pay" contracts, to authorize provisions for the dissolution of the district, to provide that the existence of a district shall not prevent the incorporation of another, to reduce the required number of directors of any district under the said Chapter 89 from five to three, and to reinsert provisions of Section 11-89-6 of the Code of Alabama 1975 which were deleted therefrom by mistake in 1986, and to make conforming changes in the aforesaid Sections to effectuate all of the foregoing.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 538. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Campbell:

S. 400. To amend Section 36-16-8, Code of Alabama 1975, which provides for the inventory of state property, so as to provide further for such inventory.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 400. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Hilliard:

S. 389. To prohibit students from carrying electronic communication devices while in school and provides for penalties for violations.

Also:

By Senator Bedsole:

S. 470. To amend Section 32-6-233.1, Code of Alabama 1975, which prohibits persons not having handicapped decals from parking in places designated for the handicapped, so as to authorize municipalities to increase the fines for violations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 389. Education.

S. 470. Public Welfare.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford:

S. 595. To amend Section 12-17-140 of the Code of Alabama 1975, relating to qualifications for supernumerary status for circuit clerks and registers, so as to provide additional qualifications for supernumerary circuit register status.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 595. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bennett (With Notice and Proof):

S. 616. This bill establishes an expense allowance for the sheriff of Jefferson County, Alabama, and provides that this act shall begin immediately and at the beginning of each term of office of said sheriff thereafter; including manner in which said allowance will be paid.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 616, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY
McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 616. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron:

S. 219. To amend Sections 24-1A-5 and 24-1A-9 of the Code of Alabama 1975, relating to the powers of Alabama Housing Finance Authority and to

the limitation on issuance of certain bonds by Alabama Housing Finance Authority, so as to provide further for such powers and such limitation on issuance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 219. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Amari, Bedford, Parsons, Dixon, Langford, Bedsole, Horn, Hale, Campbell, and Cabaniss:

S. 440. To amend sections 22-5A-2 through 22-5A-7, Code of Alabama 1975, relating to the "Long-Term Residential Health Care Recipient Ombudsman Act," so as to provide further for the state ombudsman and community ombudsmen and their powers and duties under the commission on aging.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 440. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Drinkard, Bedsole, Bennett, Rice, Preuitt, and Bedford:

S. 108. To provide adequate minimum coverage for the diagnosis, treatment and rehabilitation of alcoholism and drug dependency to certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state and employee health and welfare plans or trusts, and repeals Section 27-20A-1 through 27-20A-4, Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 108. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 176. COMMENDING PAUL S. TIPTON, S. J., FOR DISTINGUISHED SERVICE AS PRESIDENT OF SPRING HILL COLLEGE, MOBILE, ALABAMA.

Also:

S. J. R. 177. CONGRATULATING MARGARET ELMORE, MONTGOMERY, ALABAMA, RECIPIENT OF THE PAPAL MEDAL OF HONOR.

Also:

S. J. R. 185. COMMENDING DR. GARY L. BRANCH, PRESIDENT OF FAULKNER STATE JUNIOR COLLEGE IN BAY MINETTE, ALABAMA.

Also:

S. J. R. 187. COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS ON THEIR OUTSTANDING 1988-1989 BASKETBALL SEASON.

Also:

S. J. R. 188. NAMING THE HUMAN RESOURCE CENTER AT SEARCY HOSPITAL IN MOUNT VERNON, ALABAMA, THE "DR. E. L. MCCAFFERTY, SR., HUMAN RESOURCE CENTER."

Also:

S. J. R. 191. COMMENDING OUR COLLEAGUE LESTER WHITE OF DADEVILLE, RECIPIENT OF THE OUTSTANDING LEGISLATOR AWARD.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 9. To establish an asbestos contractor accreditation plan for Alabama in compliance with Title II, Section 206 of the Toxic Substances Control Act of the United States (15 U.S.C.A. §2646); to designate the Safe-State Program, a division of the University of Alabama, as the state agency to administer the plan; to provide the agency certain powers and authority; and to require certain notification and documentation of accreditation of asbestos contractors to the Alabama Department of Environmental Management.

Also:

S. 17. To amend Section 37-6-21, Code of Alabama 1975, to permit the board of trustees of a rural electric cooperative to mortgage or encumber the property, assets, rights, revenues and income of a cooperative without approval of the members and to define a substantial portion of the property referred to in this section.

Also:

S. 22. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

Also:

S. 67. To amend Section 5-11A-12, Code of Alabama 1975, so as to provide that a trust company or other financial institution with trust powers, may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution or by an affiliate of the financial institution; to provide for severability of the provisions of this Act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Also:

S. 74. Relating to credit card crimes by adding a new Section 13A-9-14.1 to Title 13, Chapter 9, Code of Alabama 1975, so as to provide for definitions; to prohibit a person who is paid by a credit card for furnishing money, goods, or services or anything else of value, from defrauding the issuer, the acquirer or cardholder, as defined in this Act, through false credit card transactions; to specify a violation of this Act as a Class B felony; to provide for the severability of the provisions of this Act; and to provide for an effective date.

Also:

S. 104. To authorize any political subdivision or other entity subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to practice certain relocation assistance and payment procedures in order to comply with said Uniform Relocation

Act; and to repeal sections 23-1-200 through 23-1-209, Code of Alabama 1975, the existing "Relocation Assistance Act."

Also:

S. 114. To provide, in the absence of written objection from the superintendent of the state banking department, for the transfer of fiduciary accounts from one bank, trust company or trust department to a related bank, trust company or trust department with provisions requiring notice to certain beneficiaries and to the probate court, to provide a procedure for beneficiaries who object to the transfer, and provide for an alternative procedure which creates an agency relationship between related banks.

Also:

S. 326. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for its membership and the management of the affairs of the Board of Directors of the Association; to provide that it may assess its members to fund an insolvency fund; and to provide that the Department of Industrial Relations shall regulate the Association.

Also:

S. 402. To amend Sections 13A-8-80, 13A-8-81, 13A-8-82, 13A-8-83, 13A-8-84 and 13A-8-86, Code of Alabama 1975, which prohibit the copying and sale of certain recorded devices, so as to further prohibit such copying and sales and to increase the penalties for violations.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 11:40 A.M. on April 27, 1989.

H. 712 (Constitutional Amendment)

H. 831 (Constitutional Amendment)

H. 886 (Constitutional Amendment)

H. 899 (Constitutional Amendment)

H. 934 (Constitutional Amendment)

Delivered to the Governor at 11:51 A.M. on April 27, 1989.

H. 768

H. 947

H. 774

H. 949

REGULAR SESSION
24th Day

2535

H. 807	H. 958
H. 808	H. 959
H. 510	H. 833
H. 535	H. 835
H. 711	H. 960
H. 717	H. 961
H. 729	H. 970
H. 730	H. 972
H. 902	H. 973
H. 905	H. 996
H. 906	H. 978
H. 923	H. 979
H. 811	H. 980
H. 812	H. 984
H. 859	H. 845
H. 862	H. 908
H. 865	H. 974
H. 927	H. 1001
H. 893	H. 1015
H. 898	H. 907
H. 890	H. 514
H. 928	H. 143
H. 929	H. 46
H. 930	H. 541
H. 941	H. 661

Delivered to the Governor at 3:00 P.M. on April 27, 1989.

H. 805	H. 647
H. 596	H. 656
H. 597	H. 657
H. 598	H. 659
H. 599	H. 660
H. 600	H. 663
H. 601	H. 669
H. 643	H. 246

H. 644

H. 281

H. 645

H. 642

H. 646

Delivered to the Secretary of State at 3:35 P.M. on April 27, 1989.

H. 150 (Constitutional Amendment)

H. 400 (Governor's Veto Notwithstanding)

H. 72 (Governor's Veto Notwithstanding)

Delivered to the Governor at 3:52 P.M. on April 27, 1989.

H. 914

H. J. R. 357

H. 852

H. J. R. 299

H. 795

H. J. R. 300

H. 217 (Executive Amendment)

H. J. R. 301

H. 177 (Executive Amendment)

H. J. R. 302

H. 546 (Executive Amendment)

H. J. R. 295

H. J. R. 307

H. J. R. 296

H. J. R. 311

H. J. R. 297

H. J. R. 313

H. J. R. 298

H. J. R. 314

H. J. R. 287

H. J. R. 315

H. J. R. 288

H. J. R. 304

H. J. R. 293

H. J. R. 350

H. J. R. 294

H. J. R. 355

Delivered to the Governor at 5:53 P.M. on April 27, 1989.

H. 102

H. J. R. 433

H. 611

H. J. R. 434

H. 919

H. J. R. 389

H. 1012

H. J. R. 390

H. J. R. 462

H. J. R. 391

H. J. R. 414

H. J. R. 392

H. J. R. 416

H. J. R. 453

H. J. R. 417

H. J. R. 306

H. J. R. 418

H. J. R. 409

H. J. R. 426

H. J. R. 410

H. J. R. 427

H. J. R. 413

REGULAR SESSION
24th Day

2537

H. J. R. 428	H. J. R. 425
H. J. R. 429	H. J. R. 398
H. J. R. 460	H. J. R. 344
H. J. R. 463	H. J. R. 470
H. J. R. 466	H. J. R. 384
H. 17	H. J. R. 385
H. 113	H. J. R. 386
H. J. R. 331	H. J. R. 436
H. J. R. 332	H. J. R. 437
H. J. R. 334	H. J. R. 438
H. J. R. 335	H. J. R. 439
H. J. R. 362	H. J. R. 440
H. J. R. 327	H. J. R. 393
H. J. R. 328	H. J. R. 394
H. J. R. 336	H. J. R. 395
H. J. R. 337	H. J. R. 396
H. J. R. 340	H. J. R. 457
H. J. R. 402	H. J. R. 458
H. J. R. 431	H. J. R. 341
H. J. R. 432	

Delivered to the Governor at 6:17 P.M. on April 27, 1989.

H. 35

H. 118

H. 349

H. 88

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Freeman and pursuant to the resolution, H. R. 482, heretofore adopted, the House adjourned until 5:30 o'clock p.m., Monday, May 1, 1989.

